



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

HD
625
.S43

STANFORD
LIBRARY

PLEA FOR THE RIGHTS OF INDUSTRY IN IRELAND - SCROPE



*In memory
of
Minal
E
Young*

STANFORD
UNIVERSITY
LIBRARIES

Brooks

STANFORD
LIBRARIES

A P L E A

FOR THE

RIGHTS OF INDUSTRY
IN IRELAND.

BEING THE

SUBSTANCE OF LETTERS WHICH RECENTLY APPEARED
IN THE MORNING CHRONICLE,

WITH ADDITIONS.

BY

G. POULETT SCROPE, ESQ. M.P.

//

LONDON:

JAMES RIDGWAY, PICCADILLY.

1848.



*In memory
of
Minal
E
Young*

STANFORD
UNIVERSITY
LIBRARIES

Brooks

STANFORD
LIBRARY

A PLEA

FOR THE

RIGHTS OF INDUSTRY
IN IRELAND.

BEING THE

SUBSTANCE OF LETTERS WHICH RECENTLY APPEARED
IN THE MORNING CHRONICLE,
WITH ADDITIONS.

BY

G. POULETT SCROPE, ESQ. M.P.
//

LADILLY

HD 625

S 43

[Though retaining the form of Letters to a daily paper, the subsequent additions made to portions of the argument contained in these papers are inconsistent, of course, with their actual publication in that shape. But I was unwilling to omit advertizing, in this reprint, to all the various points of the question.]

CONTENTS.

LETTER I.

Colonization assumes that the land of a country cannot maintain its inhabitants.—This not the fact as respects the British Islands.

LETTER II.

Colonization, therefore, premature at present ; being an abstraction of capital and labour which might be, more to the advantage of the nation, invested at home ; especially in Ireland, in drainage subsoiling, and waste land reclamation.—The latter might be at once employed by the Government, so as to give immediate relief to the over-burdened labour-market.

LETTER III.

Proofs of the vast field for employment of the waste labour of Ireland on her waste lands, and the location of a large body of peasant-proprietors.—Refutation of the arguments commonly urged against the interference of Government for this purpose.—Bill to effect this now before Parliament.

LETTER IV.

Profitable employment of Labour and Capital on land now but half cultivated in Ireland prevented by—1. Restraints on the owners ; 2. on the occupiers of the land.—Remedies suggested for the first class.

CONTENTS.

LETTER V.

**Remedies suggested to enable and encourage the Tenant to improve.—
Relations of Landlord and Tenant.—Bill for improving, now
before Parliament, insufficient.—Legislation required :—**

- 1. Compensation for Tenants' Improvements.**
- 2. Encouragement to long leases.**
- 3. Legalization of customary Tenant-right.**
- 4. Compensation for eviction from only livelihood.**

LETTER VI.

Summary of Argument.

THE
RIGHTS OF INDUSTRY
IN IRELAND, &c.

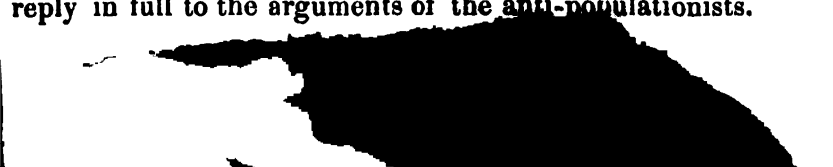
LETTER I.

[TO THE EDITOR OF THE MORNING CHRONICLE.]

SIR,

I WAS gratified to find, in your article of Friday on the Rights of Industry, so near an accordance with the views to which I have endeavoured to direct attention in the essay under that title which you obligingly notice. The subject is so important at the present period, that perhaps you will allow me the space necessary for clearing up one or two points upon which, if any difference exists between us, it will be removed, I am confident, by a few words of explanation.

We agree in this, that the true key to the leading economical difficulty of the day is to be sought in the enlargement of the field of profitable employment for capital and labour, by means of the development of the natural and, looking to the world at large, inexhaustible resources of *land*. For a populous country of limited extent, whose soil is fully cultivated, Colonization is, (as you say), the natural, obvious, and amply-sufficient mode of effecting the desired object. That opinion I have not only always concurred in, but perseveringly urged as a reply in full to the arguments of the anti-populationists.



But while regarding and maintaining colonization to be a certain ultimate resource, always available even under the worst circumstances, and, if wisely and systematically carried out, sufficient to prevent any continuous suffering from the narrowness of the field of industry at home, I have thought it desirable to call attention to the fact that—as regards ourselves, at least—we have by no means exhausted the resources of our own territory, or even approached the limits of the profitable and productive application of capital and labour to the soil of our twin islands ; that the overcrowding of labour and congestion of capital, so generally complained of, and which occasions the destitution and discontent of our industrial classes, are in a large degree owing to unwise artificial restrictions, imposed by ourselves, to the *free exchange*, or the *free use* of our native soil.

I quoted, as illustrations, the notorious paralysis of agricultural industry in Ireland, and the sinful neglect and waste of its natural fertility ; in both islands, the mischievous results of entails, settlements, and incumbrances, and of tenancies at will, affording no security to improving tenants—influences less prohibitory here, no doubt, than in Ireland—but still opposing a powerful impediment to the progress of agriculture.

You say, “ the real difficulty is *to get the land*, not to make bargains about it.” True ! It is exactly what I urge against the present artificial law-trammelled system of land-ownership and land-tenure, that it prevents industry, *i.e.* our labourers and capitalists, who are ransacking the world for employment, from “ getting at ” the land which lies, some of it wholly waste, and most of it but half cultivated, under their feet. What prevents

the unemployed capital and labour of Ireland—for there is a great deal of concealed capital there, besides the millions that are annually invested in Savings' Banks and the British funds, and the perhaps larger amount that dribbles off yearly to America in the pockets of emigrants, who despair of being able to invest their savings profitably in their native land,—what, I ask, prevents these elements of production being invested in the improved culture of Ireland? Simply that the land can't be “got at,” owing to the *law* having locked it up in Chancery, or other entanglements, so inextricably, that neither its nominal owners nor its occupiers are able to make the most of it. The latter have no tenure sufficient to give them *heart* to improve. The former are incapacitated by entails or incumbrances from effecting improvements themselves, or conceding encouraging terms of holding to their tenants.

These are the “difficulties” which the law imposes, and which legislation might remove.

Until this be done, and the natural resources of the home soil developed somewhat more fully than they are at present, colonization is obviously premature. Colonization must abstract capital and labour for investment on a foreign shore which *might be* most profitably, and with far greater national benefit, invested within our own territory. *This* is the consideration which I am desirous of impressing on those whose minds are now occupied in the endeavour to solve “the social problem of the day.”

It is true, as you observe, that in some countries where land is more freely placed at the disposal of the industrious masses, destitution, nevertheless, is found. But its existence there may, I think, be sufficiently

accounted for by injurious restraints imposed on industry in other modes, such as protective duties and similar fiscal errors, inordinate taxation, military conscription, excessive centralization, &c. In spite, however, of these and other disadvantages under which industry labours, and by which production is checked in such countries—yet, wherever the soil is freely and fully placed at the disposal of the people, it will be found that comfort and plenty abound, and poverty is comparatively rare. I would instance the entire north of Italy, Tuscany inclusive; Switzerland, Wurtemberg, Bavaria, the Prussian-Rhine provinces, and Prussia Proper, great part of the Austrian dominions, Belgium, Denmark, and Norway; and, in spite of the fallacies that have been recently ventilated on the subject, even the agricultural districts of France*—though in this last country the law interferes injuriously with the free disposal of land in exactly the opposite manner to the restrictions of our land-law, namely, by *compelling* division—an equal error, though the very reverse of our own, by which it is prohibited.

You will say, perhaps, granting all this, the Legislature of the British islands, composed for the most part of landlords and lawyers, is not likely to consent to relax the shackles which fetter the free disposal and use

* See M. Passy on Large and Small Farms; and Thornton's Plea for Peasant-proprietorship; as well as an article in the Westminster Review for this month. Above all, consult the masterly work of Mr. J. S. Mill on Political Economy, published since these letters were written, and whose treatment of this great question in his 6th, 7th, 8th, 9th, and 10th chapters, deserves the attention of every one interested in the welfare of society.

of land. Perhaps not, just at this moment. But neither were they inclined to relax the Corn-Law two or three years back; and, looking to the victory so lately obtained in that instance by truth and reason, through the means of public discussion, I do not despair of our bringing to an early and successful issue this other and equally important land question likewise, more especially since matters, in Ireland at least, are coming to a crisis of danger imminent and most formidable, from which I see no other possible chance of escape, but the speedy settlement of this question on such terms as shall secure to her people their just rights to a freer use of the soil of their country, and a more equitable distribution of the produce their industry may raise from it.

The denial of these vital rights, and the consequent waste of their abundant natural resources, lies at the bottom of all the misery, discontent, and threatened rebellion of that much calumniated and maltreated, but industriously disposed, and, by justice and kindness, easily conciliated population.

I remain, Sir,
Your obedient servant,

G. P. S.

April 20, 1848.

LETTER II.


SIR,

You justly describe the question at issue between us as one which should be "thoroughly thought out and argued out, with a care and attention proportioned to the vast importance of the subject to which it refers." I, therefore, hope that you will allow me the space necessary for explaining my proposition (which I observe you still somewhat misapprehend), and supporting it by reference to facts, in which I promise you to be as concise as possible.

Let me begin by claiming an admission from you which can hardly be refused. It is not necessary for me to prove that capital and labour might create as large an increased produce from our home soils, if judiciously applied to their improved cultivation, as by investment in colonization; because we are looking at the question not as citizens of the world, but of Britain. No doubt Canada and Australia are at present appendages to the British empire. But how long they may remain so none can foretell; and even while they do remain so appended, any increase in their productiveness can by no means be considered the equivalent of an equal increase in the wealth of Britain herself. If our home soils could be made to produce half as much again as they do now, this would be tantamount to an addition to the area of the two islands equal to one half in extent, and of average productiveness; which would surely be a far more desirable object than the creation of an equal

amount of wealth at any spot on the other side of the globe, though calling itself for the time a British colony. In one word, colonization is an *abstraction* of capital and labour (that is, of the elements of wealth and strength) from the mother country, positively injurious to *her*, except upon the assumption that they cannot be profitably invested at *home*. If, therefore, I can succeed in shewing that there is an ample field for the highly profitable investment of our redundant capital and labour to an enormous extent, in the improved cultivation of our home soil, and that they are only impeded from taking this most beneficial direction by the faulty system of law which regulates the transfer or tenure—and consequently the utilization—of land, I shall have done enough. Colonization must then fall into its proper place, as a secondary and prospective resource, ample for its purpose, when the time may have arrived which will render it necessary, but a wasteful diversion of the national means, so long as they can be profitably expended at home.

In proceeding to notice your argument, as to the supposed slowness and difficulty with which any large accession could be made to the agricultural productiveness of these islands, and to the home demand for labour, by any changes in their land-laws, I shall take leave to confine my remarks, for the present, at least, to the Irish side of the Channel. And this not only because the agriculture of Ireland is far more backward than that of England and Scotland; but still more because the development of Irish agriculture, and the absorption in productive channels of the vast surplus labour of that country, would, by stopping its continual



efflux into this island, alone do much towards raising the condition of the labouring class in England ; would at once lessen the supply of labour, and, therefore, increase the demand for it *here* ; would augment the supplies of food transmitted to us from Ireland, and likewise *her* demand upon our manufacturing and trading industry for clothing and luxuries.

Whoever recommends colonization as a primary remedy, capable of immediate application, for the congestion of our labour market, must intend, of course, to apply it first and foremost to Ireland. Emigration from England could only produce a void which would be instantly filled by a fresh supply from that "*officina pauperum*." Her overflow must be stopped before the slightest beneficial effect can be perceived in England from any amount of depletion.

The question then assumes this shape, whether any other measure could operate as immediately and effectually in relieving the redundant labour-market of Ireland—by opening up the resources of her soil for the productive employment of her people—as a scheme of colonization ?

Now, upon this question, I am glad to be able at the outset to refer to far better authority than any arguments or collection of facts which I could myself supply from however long and deep a study of the subject ; I mean the valuable Digest of Evidence taken by the Commission on the occupation of land in Ireland. There you have the concentrated result of an immense mass of evidence, collected by a diligent and dispassionate inquiry, carried on through three years in every corner of Ireland, by examination of many hundred witnesses, the most

ntelligent that could be selected, of every class, from the andlord and land-agent, to the peasant-occupier—in the conclusions arrived at by the acute and able men who conducted the inquiry throughout—men too who, before undertaking this task, had enjoyed the widest practical experience in the management and agricultural improvement of extensive Irish estates. It is impossible to conceive a combination of higher claims to authority on such a subject.

In pp. 565-9 of this volume will be found a comparative estimate in detail of the cost of three several distinct modes, suggested by different parties, for the relief of the labour-market of Ireland, to the extent of 500,000 labourers, representing a population of more than two millions, viz. :

1. By emigration.

2. By employment in draining and subsoiling the lands at present productive, but highly improvable by such operations.

3. By locating about 200,000 families on the waste lands, upon farms of about twenty acres ; and providing for above 130,000 more by consolidating into farms, of at least eight acres each, those minute fragments of productive land which the former now occupy without being able to make a living off them, or cultivate them efficiently, “ whereby a total of about 500,000 labourers would be abstracted from the existing competition of the over-stocked labour-market.”

The net result of the calculation is that the *first* mode would cost twenty millions, and repay in the improved value of land in Ireland but three per cent. The *second*

would occupy the whole labouring population, during the winter half-year, for eight or ten years to come, but would add little to the *permanent* demand for labour. It would afford, however, a productive investment for a capital of £84,000,000, and return a profit upon that outlay of at least 15 per cent. in the increased value of the land.

The *third* mode would employ a capital of ten millions, which might be safely calculated to return at least ten per cent. in increased rental, and yet leave an aggregate increase of *produce* at the disposal of the occupier, to the amount of above twenty millions sterling per annum; the waste lands being supposed to produce at present, on the average, only four shillings a-year, though capable of being made to yield an average produce of six pounds per acre.

Here, then, is a statement made on the highest authority, that there exists within Ireland herself an immense field for the productive and profitable employment of millions of her apparently redundant population, in both the draining and trenching of her cultivated lands, and the reclamation of her wastes.

To these modes of relief, however, it is objected that the land is in the legal ownership and occupation of persons who are not likely to set to work on its improvement with any vigour or promptitude, and that, whatever legislative changes might be made to free them from the embarrassments and legal shackles, which hinder their making the most of their land, or to enable it to be transferred by sale on easy terms to other parties more willing and capable of improving it, will be too slow in their operation to meet the urgency of the case. But

supposing this to be true (though I am prepared to show, that it is so only to a limited extent), so far as regards the thirteen millions of acres of land now productive, but capable of improvement by drainage, &c., it is by no means an argument of equal weight in respect to the three or four millions of acres of *waste* land; that is, of land which has never been cultivated, upon which no capital or labour has been expended by its owners or occupiers—land still in a state of nature, and though appropriated, and occupied more or less as rough cattle-runs, yet producing on the average but to the value of three or four shillings a-year per acre, while it might be made to grow food for a starving population to the value of twice as many pounds.

Such a state of things would, I maintain, justify the immediate interference of the Legislature, for the appropriation to the great national object indicated above of this wasted and misapplied portion of the national soil—an appropriation, of course, by purchase, at its full present value, from its present owners and occupiers, upon the same equitable principles as are daily acted upon by the Legislature in the compulsory purchase of land of far greater value for railways, roads, and other purposes of certainly no greater general utility.

If this be granted, the process from which such vast advantages are derivable, according to the authority of the “Digest,” might be carried without delay into operation. The Board of Works, or a Commission appointed for the purpose, might immediately set to work on the reclamation of the waste lands the surplus labourers, who are now wastefully fed in idleness on the resources of the country, either within or without the work-

houses, and gradually locate on the reclaimed lot many of the small farmers who are now contending as a matter of life and death, for the occupation of fragments of arable land insufficient for their maintenance. The effect on the redundant labour-market would be as immediate, and the relief as sensible, as by the sudden enlargement of a confined area in which a crowd is closely penned up and struggling for breathing room. And the magnitude of the resulting benefit to the nation at large, as well as to every class composing it, should amply justify whatever of novelty or departure from general practice the measure may present. Even were the "interference with private property" ten times as extensive or unusual, the critical, or rather the desperate, state of Ireland would vindicate the employment of any resource promising such immediate and effectual relief. Indeed, the interference with private property is far more contrary to all sound principle by which hundreds of thousands of labourers were last year employed in spoiling the thoroughfares, at the expense of the British tax-payer, or are fed this year in idleness, upon forced levies from Irish property.

"The object of every Government," says Mr. Campbell Forster, in his letters from Ireland, writing from Tipperary, where, "in the midst of all the distress and misery, and murders for the possession of bits of land, *there are no less than 360,000 acres of reclaimable waste,*" "the object of every Government is the prosperity and safety of the people. Neither is accomplished *here*. It is then the *duty* of the Government to see that *they shall be* accomplished. It is *the duty* of the Government to take measures to compel these waste lands to be brought

into cultivation as *an immediate means of affording employment to the people, to save them from starvation and the commission of outrage; at the same time that they put down with a strong and determined hand the system of terror and assassination which disgraces this county.*" Coercive measures have been passed for the *last* of these purposes. The proposed measures for effecting the *first* —the beneficial and remedial measure—has, alas! been adjourned *sine die*.

But I have been led to consume too much space on this branch of the argument. I must trust to your indulgence for being permitted, on a future occasion, to meet the objection, that the waste lands of Ireland will not really *pay* the cost of reclamation. I readily accept your challenge on this point; and am prepared with abundant practical evidence confirmatory of the statements of Mr. Griffith, as to the ample returns to be obtained from such operations.

Meantime, I remain, Sir,

Your very obedient servant,

G. P. S.

April 21, 1848.

LETTER III.

SIR,

CONFINING my present argument to the vast field for the profitable employment of labour and capital which might be opened in the waste lands of Ireland, if placed at the disposal of industry by legislative action, I will begin by noticing the cursory objection with which the proposal is in the first instance usually met, and which you have reproduced in its most simple and general form; viz., that if these wastes could be profitably reclaimed, they would have been reclaimed already.

Now, in the first place, this argument proves too much. It might be just as reasonably said, that the lands at present in tillage or pasture, whether of Ireland or of England itself, cannot be profitably drained or subsoiled, or better cultivated than at present, *because it has not been done already*. Whereas every one knows the fact to be the reverse. This is, indeed, one of those slashing arguments, by the use of which political economists have so often brought their science into undeserved discredit. A proposition, true only in the abstract, is assumed to hold good under all possible circumstances. Capital, it is said, like water, will always flow in any direction in which a profit is to be made. True enough, if there are no obstructions blocking up the channels through which alone it could reach the locality where the profit awaits it. Not otherwise. And it is because closet economists choose to ignore the obstacles that have hitherto forbidden the investment of capital, to any

large extent, in such agricultural improvements as are, notwithstanding, capable of affording very large returns, and are proved to be so by the direct evidence of facts and practical authorities, that they are driven to their wits' end by the present uneasy state of society, and throw the blame on nature, and the growth of population, of those evils which faulty institutions and legislative mismanagement have alone occasioned.

In fact, the very point and purpose of the essay on the "Rights of Industry" was to call attention to the degree in which obstructions, chiefly of a legal character, and therefore removable by legislation, actually lock up from use at present the natural capabilities of our home soils, and prevent that flow of capital towards their improved cultivation which would assuredly take place under a better arrangement of our land-laws. And yet I find you forgetful of this entire argument, continuing to urge the old story, that capital not having spontaneously taken that direction there can be no profit to be made in it.

Of the impediments which have hitherto prevented the cultivation of the Irish wastes, there are many common likewise to the land at present in tillage or pasture, and the cause of its backward state of cultivation, and deficient productiveness, in spite of great natural fertility. Others are peculiar to the waste lands themselves.

In the first class must be mentioned the indolent, reckless, spendthrift, unbusiness-like habits of the landed proprietors of Ireland, as a class, owing to the long course of partial government and legislation by which they were encouraged to believe that their territories

rights were independent of all performance of duties towards the people inhabiting their estates, and would be enforced at all hazards, and to the utmost extent, by the overwhelming power of Britain. They have been thus led to rely, both for their rentals and political power, on the multiplication and terrific competition for land of a miserable rack-rented peasantry, to whom no other employment or means of existence was opened, who were set down on the bare sod without a building, or a fence, or a drain executed by the landlord; and yet with no better security, in most cases, for any permanent improvement they might themselves make, than a tenancy at will, determinable at six months' notice! Under such a system, the tenants could scarcely be expected to accumulate or to expend capital. The landlord never for a moment thought of such a thing! Far from it. His habit was to expend more than his income, and hence his estate became encumbered with entails, settlements, mortgages, judgment-bonds, and, perhaps, ultimately, a Chancery receiver, thus depriving him of the power to improve, or to relax his paralyzing gripe upon his tenantry, even if he desired to do so. All these accumulated involvements still further lessened the security of the tenant, and may be said to have prohibited him from investing capital, or even his own labour, in improvements, of the fruits of which a foreclosure, or sale under a decree of Chancery, or the devolution of the estate on a new heir, or a change of agent, or even a caprice of the existing owner, might deprive him at any moment. Then, too, the peasant himself, as a protection against the frightful insecurity of his position, was driven to join in maintaining that agrarian system of intimidation

which, in turn, by rendering life itself insecure, added a further impediment to the investment of capital in the Irish soil. How could agriculture flourish under such a system? And is it possible to argue that because wastes have not been reclaimed, or marshes drained, during its continuance, this affords any proof that such operations would not, under different circumstances, pay a profit on the outlay?

But, moreover, there are some obstructions peculiar to the waste lands themselves. Many, for example, are held in joint ownership. In other cases the boundaries of contiguous estates are undetermined. The cattle of several adjoining properties have a run over the bog or mountain, and no one can make his title good to any particular portion. For half a century past a compulsory partition of these joint properties has been, over and over again, urged upon the Legislature; but nothing has been done. In 1836, the Poor Inquiry Commissioners put this recommendation prominently forward, as one of first necessity for the employment of the poor and the growth of food. The Committee of 1835 had done the same, but with no better results. A few days since I was informed by a considerable landed proprietor, that if he could only obtain an apportionment of his share of a large tract of mountain land, in which he holds a joint interest with several other parties—some absentees, some minors, and therefore incapable of joining him voluntarily—he should instantly set to work some hundreds of labourers who are now fed in idleness at the expense of himself and his neighbours. But legislation is necessary for this, and nothing is done to relieve the land from the legal shackles which prohibit its effective use:

Again, with respect to the bog land, of which nearly three millions of acres are considered reclaimable, it is generally impossible for individual proprietors, still less for their tenants, to reclaim effectually. Arterial drainage on a large scale is indispensable as a commencement, cutting through many properties, deepening river beds, perhaps to considerable distances. Hence, as Lord Cloncurry justly observed, in a recently-published letter, Government alone can set on foot such undertakings, on that comprehensive scale, and with that engineering skill, which is necessary for the purpose of rendering these tracts reclaimable. But the Government is doing nothing, and has never done anything, towards this great national object, although *forty years since* some £40,000 were spent by a Government Bog Commission in making detailed surveys, plans, and estimates of the cost of the reclamation of all the bogs in Ireland. The Commission made the surveys, reported most strongly in favour of the undertaking, printed at the public expense maps and sections of more than half the bogs, with precise directions for setting about their drainage, a mass of matter of which the mere catalogue and index fills a very bulky folio volume; and from that day to this their report, surveys, and estimates have slumbered in the dust in the archives of Dublin Castle, and the bogs remain still tabooed against the industry of the Irish people, who are in consequence starving for want of food, and idle for want of work. A striking example of the results of the "let alone" principle, on which the objection I am now combating, rests.

But it may be said, the obstructions adverted to cannot extend to every estate. There ought to be instances

here and there to be found, in which a spirited or prudent proprietor or occupier has been in a position to avail himself of the capabilities of his waste land, if it really possess any.

No doubt. And I am now anxious to call your attention precisely to some such cases—for many such there are—in which, under those circumstances, waste land has been successfully and profitably reclaimed. This is, in fact, the test to which you have challenged me. And I am quite ready to abide the issue on this ground.

I have had much information communicated to me on the subject from private sources; but I prefer appealing to evidence already in the hands of the public, and taken in open court before many neighbouring parties, in whose presence no false or even exaggerated statement is likely to have been made. I mean that reported by the Commission over which Lord Devon presided. Of course I can only hope that you will afford room for a very few specimens of the sort. Here are some however—

On the Donegal estate of Sir Charles Style, Mr. Kennedy successfully put in practice the system recommended in the “Digest,” of locating upon the waste lands a population inconveniently crowded on the adjoining arable lots. By this he afforded permanent employment to six times as many persons as the same land could profitably support before, and multiplied its gross produce by TEN : while the sum expended repaid at least ten per cent. to the proprietor in augmented rent. The history of the improvements on this and the Cloghan and Lough Ash

estates, under the same management, is full of instruction, but can only be referred to here (278).

Mr. James McNab, of Castle Connell, County Limerick, states that he reclaimed eighty acres of bog, ten of which are planted—seventy under tillage—at a cost of £20 per acre. It was nothing but the worst red bog, with no vegetation save the bog plant on it, and **TWENTY FEET DEEP**. He drained and coated it with the subsoil, and what was previously not worth 2s. 6d. per acre is now worth from 30s. to 55s (621).

Mr. Steuart Trench, a magistrate of the County Monaghan, reclaimed 3 00 acres of mountain land within a period of four years. It was previously worth from 2s. to 4s. per acre—is now worth 30s. to 35s. The entire cost, which Mr. Trench gives in detail, was repaid by the crops of three years, although he had to bring lime a distance of four miles over a hilly road, and that his land is from 700 to 1,000 feet above the sea. He gives his opinion that there are millions of acres equally available for improvement now lying unproductive, on which the redundant population of Ireland might be located, to the great advantage of the proprietors as well as themselves, and affording security to the country from imminent convulsion. He thinks this resource would, “for a vast period of years to come,” be fully as beneficial as any scheme of emigration (283).

Mr. Reade, of Woodpark, County Galway, J.P., reclaimed five hundred acres of moor-land and mountain, worth about 2s. 6d. per acre. He spent from £10. to £17. per acre upon it, but was repaid the whole by the second year's crop; and the land is now worth 20s. per

acre rent. He says there are in Galway County 200 square miles of similar land equally capable of improvement. On being asked what prevents the reclamation of such lands, he replied, "The want of spirit and means in the proprietors." Be it remembered that in Galway many thousands have died of hunger through want of employment in the course of the past year! (53).

Mr. Colthurst took, in 1829, a bog-farm of twenty acres in County Cork, valued under 4*s.* an acre—a rent which the previous tenants failed to pay. He gives the details of his expenditure in draining and reclaiming it, which amounted to about £16. per acre, the whole of which was returned with interest before the fifth year expired, leaving the land worth, at the Poor-rate valuation, £4. the English acre (761).

It is to Lancashire, however, that we must look for examples of the most spirited application of capital, on a large scale, to the reclamation of bog-land, in all respects similar to the generality of Irish bogs. There may be seen thousands of acres of moss, a few years back too wet and barren to be of any value, now covered with abundant harvests, equal to those produced on any upland farms. I have the details before me of the cost of reclaiming several such tracts, on Chatmoss, Rawcliffemoss, and others, which, though effected at the high wages of Lancashire, 14*s.* a week, amounted to less than £10. per acre, and now pay more than ten per cent. in rent.

If, in spite of the many examples in their own island of the profitable reclamation of bog-land, Irish landed proprietors still remain incredulous on the subject, let them meditate on the following extract from the pam-

phlet of Mr. Baines, written from his residence, Barton Grange, a farm reclaimed from one of the Lancashire bogs :

" I have been practically engaged in the cultivation of bog or moss land for upwards of fifteen years. The land which surrounds the house in which I am now writing, *to the extent of several hundred acres*, has been changed from *one of the wettest and wildest mosses or bogs* in England, *into a well-cultivated farm*, yielding superior crops of roots of all kinds, of clover, oats, and barley, and fair crops of wheat.

" The potato did not fail at all on the peat soils of Lancashire in 1845, except where they were ill-drained ; and last year, 1846, when the disease was so serious in all other kinds of soil, the failure was comparatively light on peat lands—generally not more than a third or a fourth of the crop. It is stated to have been much greater in Ireland on similar soils, but I cannot help suspecting that *bad drainage* was one principal cause of such failure. We found that peat soil was no protection *unless the land was perfectly dry*. A strong antiseptic power exists in all peat soils, and is the principal cause of their original barrenness. It may be overcome in two or three years, by the unassisted agencies of nature, if the land is laid perfectly dry ; and the operation may be greatly hastened by the application of lime, in a hot state, a few months after the draining is completed. To apply lime, marl, or manure, to the reclaiming of peat bogs, until they are thoroughly drained, is a mischievous waste of money.

" There are three great faults which are generally committed by persons who undertake the reclaiming of peat bogs, and which are the causes of the waste of money and disappointment of hopes which have so often attended the attempt to reclaim this kind of land, both in England and Ireland.

" The first is, that the drainage is seldom effectually done, and still more rarely properly kept up. Without the strictest attention to this point, every thing else is pure loss, and what renders it more inexcusable is, that the cost of draining peat soils is not great, and the cost of keeping up the drains still smaller. An acre of deep peat land, by which I mean land in which the drains cannot be carried down to the

solid subsoil, without sinking them more than four feet, ought to be well drained for 40s., and ought to be kept perfectly dry for 2s. 6d. a year ever after.

“The second great error in reclaiming peat land is, that of putting immense quantities of marl or clayey gravel upon the surface, thus turning it into very bad clay land. A moderate dressing of marl, say 50 or 60 tons at the utmost, is all that is desirable to put at once, or for several years after the land has been reclaimed. Where lime is abundant and cheap, it is an excellent material for reclaiming (well-drained) peat lands; and as it is very cheap in most parts of Ireland, and can be applied with very little horse labour or cost of implements, it is the material to be used wherever it can be found. *Four tons to the statute acre is a sufficient quantity.*

“The third great error which is committed in reclaiming peat soils, is that of extracting crops of grain from them immediately after they are reclaimed. This follows, naturally, from the heavy marlings, usually given to this kind of land, which do it great injury as grass land. A much wiser course is to marl very lightly, or not at all, if lime can be got, and to be content to make good pasture land in the first instance. When the rains of spring, the frosts of winter, and the summer suns, have improved the quality of the soil, and when a regular discharge, through the drains, has carried off all the sour and astringent principles of the soil—that is, in three or four years—the land may be used to grow grain; but until that time, it is much the wisest course to use it as pasture land, to be grazed by sheep and young cattle. With a proper selection of grass seeds, it will form good grass land from the first year in which it is reclaimed.

“After this land has been reclaimed for three or four years, it may be cultivated with ease and profit on the alternate system of husbandry. It then produces every crop in abundance, except wheat; and that in moderate quantities. The crops of oats and barley are very good; those of turnips and potatoes equally so; and those of grass much better than are yielded by the generality of land.

One circumstance which renders the reclaiming of waste lands valuable as a mode of employment is, that all the operations connected with it can be done by piece or task-work. This is a matter of the utmost importance to the paymaster, whoever he may be, and doubly so when the paymaster is that great victim of imposition—the State

It will be observed that the first and indispensable step to the improvement of bog-land is to render it thoroughly dry. No doubt it is to *imperfect drainage* that the want of success was owing in some attempts in Ireland that have been urged against me by your correspondent, Anglo-Irishman, and others.

The practice in Lancashire is to divide the open moss into inclosures of three to ten acres each, by open ditches, not too deep at first, but deepened further as the moss settles. Covered turf-drains are then made into the open ditches. After this the whole surface is coated with clay, marl, or gravel, by help of moveable railways. Then the manure is laid on and ploughed in; the peaty matter being thoroughly broken and pulverized so as to destroy all trace of the original fibrous texture. "When this is done," says Colonel Rawsthorne, a Lancashire moss-improver, "there is scarcely saying what the value of moss land may be; it is so much more easily worked than the stronger lands; the expense attending it is so much more moderate. If *well-drained*, it can be approached at all seasons of the year, with so much more ease, *that it is perhaps the most valuable property that can be possessed*; and acre for acre may be put on a par in value with the sandy loams. A *moss farm*, or one with some moss land attached to it, therefore, *lets more easily, and at a higher value, than any other kind of farm, often at 50s. per acre.*"

Now why should not the process which is so successful and profitable in Lancashire, where wages are 14s a-week,

* "The Cause of the Potato Disease, &c." by Law Rawsthorne, Esq. 1847.

be equally so in Ireland, where labour costs but half that sum ; supposing equal skill, science, and capital to be applied ? As to the materials, it is well-known that marl and clay, or limestone gravel, usually form the substratum of the Irish bogs, and that hills of the latter material very generally surround or penetrate some way into them. Many likewise are within reach of the sea sand and sea weed, the best of manures ; and the climate of Ireland is on the whole far milder than that of Lancashire.

But even were it possible that the reclamation of bog-land, which succeeds and pays so well in Lancashire, should from some unaccountable cause fail to pay in Ireland when undertaken on a large scale by capitalists, as a speculation for the sake of profits—it must be borne in mind that the proposal which I have, from the year 1835 to the present day urged upon Parliament,* is one which enlists a far more potent stimulus to industrial exertion than the system of improvement by large speculating capitalists—viz. the intense and passionate energy of the small proprietor improving and cultivating his own land. There is a magic in the word “for ever,” by which the imagination (and of the Irish especially, the most imaginative of people) is peculiarly affected. “Give a man,” says Arthur Young, “a strip of rocky desert in fee, and he will convert it into a garden. Give him a short lease of a garden, and he will turn it into a desert.”

Mr. Jagoe, one of those who believe “from observa-

* See a paper in Appendix to Report of the Committee of the House of Commons on Public Works and Waste Lands (Ireland), 1835.

tion, that any person purchasing a tract of waste land in Ireland to make a profit by reclaiming it to LET *at a rent*, can never derive much advantage," yet expresses a strong opinion, that "if the waste lands were sold in small lots, giving to the occupier THE FEE instead of a leasehold interest, the utmost benefit would be derived to the country, as well as to the individual cultivators, each of which would reclaim his lot by his own labour. To improve that which a man could not be dispossessed of would develope all the energies of the owner."*

"The improvement of wastes,"† Mr. Thornton observes, "may perhaps be thought to require a good deal of capital, but capital is principally useful for its command of labour, and the Irish peasantry have quite enough labour at their own disposal. Their misfortune is that they have so much. Their labour would not be worse applied because they worked for themselves instead for a paymaster. So far is large capital from being indispensable for the cultivation of barren tracts, that schemes of this kind, which could only bring loss to a rich speculator, are successfully achieved by his penniless rival. No man in his senses would ever have thought of wasting his money on the original sand of the Pays de Waes; but the hardy boors who settled there two hundred years ago, without any other stock than their industry, contrived to enrich both themselves and the land, and, indeed, to make the latter the richest in Europe."

"The profit of reclaiming waste lands," says the Digest of Evidence to Lord Devon's Commission,‡ "will

* Devon Commission Evidence. [27.]

† Thornton on Over-population.

‡ P. 570.

be best understood from a practice not uncommon in Ireland, to which farmers sometimes resort. This consists in giving the use of a small portion of it to a poor cottier or herdsman for the first three crops, after which this improved portion is given up to the farmer, and a fresh portion of the waste is taken on the same terms by the cottier. Here we have an example of the very poorest class in Ireland obtaining a livelihood by the cultivation of waste land, under the most discouraging and least remunerative circumstances that can well be imagined."

How certain, then, would be the result, if the cultivator had a permanent tenure of the soil, which would elicit what Mr. Mill justly calls "the marvellous industry of the peasant-proprietor—an ardour of improvement absolutely unexampled in any other condition of agriculture."

Such is the proposed scheme of reclamation embodied in the bill which was introduced in 1846, and in that which is now before Parliament. The Government Commission need proceed no farther than what is necessary for opening up the waste land tracts by roads, main drains, &c. and dividing them into farms. The thorough drainage and actual reclamation need only be executed by their agency so far as is desirable for the purpose of rendering these farms fit for occupation, or for that of employing productively the able-bodied paupers of the union. The occupiers themselves would, in the great majority of cases, be the real reclaimers, and would carry on the process with the energy and diligence of men who apply their labour to *their own* property.

That Irishmen should be wanting in that indefatiga-

industry which characterises the Swiss, the Belgian, the Catalanian, the Norwegian, the Guernsey-man, nay even the Hindoo and China-man, when working upon land of his own, which he can be sure of transmitting with all the added value he can give to it to his children, is a base and unworthy supposition. Even the bare hope of a durable tenure is seen in numerous instances to excite the industry of the poor and much calumniated Celt—a hope too often most cruelly betrayed.

“In many instances it has occurred,” says an Irishman writing in 1825, “that a set of tenants have taken uncultivated poor ground at the foot of a mountain, at a few shillings an acre rent, but without leases: being either deceived by promises, or unable to pay for the leases when taking the land: after a few years, by almost incessant labour, the ground being rendered of some value, these poor people have been forced to leave their farms and remove higher up the mountain, to begin again on unimproved ground; and it is no fiction to state, that those who began to cultivate the soil at the foot of a mountain, have by progressive removes, been ultimately placed as near its top as subsistence could be raised; being thus defrauded of the fruits of their early hard labour, and obliged to end their days in want, after spending their lives in toil and pinching penury: having the additional mortification of daily seeing the ground they had in their youth brought first into cultivation, occupied by others.”

The same writer mentions that he has himself been told by a landlord, whose waste and mountain land was being thus painfully reclaimed on the *Sic vos non vobis* principle by his poor tenants, that he occasionally gave

them lime; and “that it was good policy to do so; because *when he got his land up from his tenants he had it in good heart, and had their labour for nothing.*”

And yet of men so treated *it is complained that they are not industrious; it is wondered that they are not contented and peaceable!*

It is doubtful whether the history of the world can produce another example of a system so directly discouraging to industry, so fitted to engender discontent and disturbance, so unjust and tyrannical in its essential character. The imprudence, the reckless regard for future consequences, the careless hand-to-mouth improvidence of the Irish cottier tenantry in their present uncertain position, is the consequence of that position.

And hence it is a mistake to suppose, as is done by many objectors to the location of small proprietors on the waste lands, that the result will be the subdivision of their estates, and the multiplication of paupers.

As a precaution, special covenants to prevent subdivision or sub-letting, may be inserted in the deeds of sale or perpetuity leases (entailing forfeiture if broken). But it is quite certain that the principles of prudential restraint, and a provident regard for the future, will spontaneously arise and influence the conduct of the landholders, when placed in a position in which their comfort and prosperity, and that of their children, will entirely depend upon their exercise of these social virtues. The experience of other countries where peasant-proprietorship prevails, Germany, Flanders, France, Norway, Switzerland, Tuscany, the Channel Islands, &c. is conclusive on this point. None marry so early or

multiply so rapidly as the cottier of Ireland, because no imprudence can make him worse off than he is—

“Non habet unde cadat.”

The dread of losing a position of comfort, and the certainty that prudence will improve, and the opposite conduct lower it, both as regards himself and his children after him, is the true source of that moral restraint which so strongly characterises the Swiss and Norwegian peasant-proprietor, but in which the Irish cottier is so egregiously deficient.

It is indicative of the spirit and the blindness with which the measure here advocated is generally opposed, that those very traits of the Irish character which are the natural and necessary results of the miserable insecurity of position into which they are forced—namely, their want of industry, turbulence, recklessness, and improvidence—should be continually, and with almost inhuman bitterness, brought forward as the main and almost the only arguments against proposals for placing these much abused Celts in that more secure position which can alone, upon the ordinary principles of human nature, admit of the growth, or even the existence of the opposite virtues.

It is said that the population which squats around the bogs and on the edges of the waste is generally of the worst character. Why what else can be expected of men treated in the manner lately mentioned? But does it follow that a population of small freeholders, cultivating their own farms, of from five to fifteen or twenty acres, would be similar characters? An example of the effect of proprietorship, under far less favourable circum-

stances, is mentioned by Mr. Thackeray,* as occurring within two miles of the little town of Kilcullen, in Kildare, where "a tract of land, a few years since a marshy common, which had never fed anything but a snipe from the time of the deluge, now contains two hundred flourishing little homesteads, maintaining as many families in comfort and plenty." And this was the result of a "squattling," or unlicensed occupation, for which many of these new colonists were actually imprisoned, until the good sense of some of the neighbouring gentry prevailed over the anxiety of others to dispossess them.

"If the poor were permitted to have access to the waste lands of Ireland," says Mr. Thornton, "it can scarcely be doubted that they might all be provided for in a thousand such colonies as that of Kilcullen."

In considering such a proposal as is here made, its advantages must not be calculated only as the net profit to be made on the capital expended, or the increased rent to be derived from the reclaimed land. These would be no fair measure of the NATIONAL benefit to be derived from such improvements.

A better notion of this may be formed from the calculation of Mr. Baines, who himself, writing from Barton Grange, one of the reclaimed moss-farms of Lancashire, estimates the gross yearly produce of the three million of acres of Irish bog-land, if reclaimed, and made equally productive with his own farm (as he is confident they might be), at fifteen million bushels of wheat, thirteen million bushels of oats, 150 million bushels of potatoes, and a million and a half of fat sheep—an amount of food sufficient for the maintenance of six million of souls!

* Irish Sketch Book, vol. i. p. 46.

Besides this great increase to the supply of food, the reclamation of the Irish wastes would afford employment in all parts of the country, but most in those parts where it is most needed—the counties west of the Shannon—employment, first in reclaiming, and then in cultivating them when reclaimed. By increasing the surface of cultivated land, it would diminish the intensity of the struggle for its possession. If divided into farms of 15 or 20 acres, as suggested in the Devon Commission Digest, and leased in perpetuity at a quit-rent sufficient to repay the cost of the undertaking, or sold outright, some 200,000 independent freeholders—a class of which Ireland stands in much need—might be permanently established upon them. A few model farms and agricultural schools, founded here and there, would instruct these peasant-proprietors to turn their position to the best advantage, and covenants might be imposed in the deeds of sale or lease to prevent any injurious subdivision or sub-letting of the lots. The condition, even in these years of famine, of the tenants on the estates managed by Mr. Blacker, Mr. Kennedy, and many others, affords proof that a large amount of produce may be raised, and a comfortable living made by the occupiers of farms of from eight to fifteen acres under such circumstances.

Now, this is an operation which might be at once set about and executed. It would require far less time or preparation than any scheme of colonization adequate to produce a tithe of the effect. With respect to the means of defraying the cost, there could be no greater difficulty in providing them for the former than for the latter scheme. Indeed much less would be required. If the Government is unwilling to advance the funds, they

might be borrowed in the market, on the joint security of the lands to be reclaimed and of the poor-law unions, whose able-bodied paupers would be in the first instance set to work upon them. The waste land purchased need not be paid for at once, but by instalments, or by a permanent fixed quit-rent equal to their present value. And if the reclaimed lots were promptly sold, funds would be rapidly coming back to hand, and no very large advances required. There would be no want of purchasers from among that class of enterprising and frugal farmers who are now yearly quitting their country, in despair of being able to live in it, and carrying away each his little capital of £50., £100., or £200., for investment in America. A capital of from one to two millions, it is calculated, filters away in this manner yearly from Ireland, and with it go the very flower of the population, whom the country can least spare.

It requires but an effort on the part of the Government to divert this out-flowing stream of capital to the fertilization of our home soils in lieu of those of America—to afford productive employment to hundreds of thousands of poor labourers, who are now earning a pauper's dole only by breaking stones which no one wants, or walking half a dozen miles to the food dépôt—to relieve the fearful and destructive competition in the labour and land markets of Ireland, to the extent (as already indicated on the best practical authority) of a population amounting to two millions and upwards; and yet to retain that population in a position which must make it contributory to the wealth, strength, and prosperity, instead of being, as at present, a burden.

nuisance, and a source of serious peril to the safety of the community.

This is a remedial measure which public associations, county meetings, and many of the most intelligent Irishmen have long earnestly asked for. It was last year proposed to Parliament by the Premier himself. What may be the obstacles which then prevented, and now prevent, it being carried out, can only be guessed at. But if they consist in the infatuated determination of Irish landlords to retain, like dogs in the manger, their empty power over the lands which they do not, cannot, or will not put to any use themselves, but still persist in preventing others from using to employ the idle and feed the starving, it is time they should learn that the rights of property may be strained too far, and cannot be admitted to sanction the locking up of the natural resources of a country whose population is in the last agony through this denial to them of the means of living provided by heaven for that purpose.

I will conclude with a passage from the interesting little work of Mr. Bennet : *—

“ So long as there is land that would repay the expense of labour lying unreclaimed, and much more land lying only half cultivated, it is opposed to every mercantile principle to send that labour away. We have in Ireland the two great elements that lie at the foundation of all national and individual wealth—land and labour. We have them both in superabundance; with an immense amount of labour lying idle, which might be applied to the equally idle soil, the waste of national wealth is beyond calculation. The want of national policy is as great as the national sin in this respect. Place these three or four million Irish in a fair position, enable them to earn the necessaries and decencies of life, and we have a finer market opened at home than any of our hard-

* Six Weeks in Ireland. 1847.

earned and expensively maintained possessions abroad; and Ireland is capable of maintaining in comfort several times its present amount of population."

I have trespassed much on your indulgence, though as yet I have touched but one branch of the subject—the Irish waste land question. Should you afford me the space, I shall be prepared to prove that there is ample room likewise on the lands at present imperfectly cultivated in either island for the profitable employment of much additional labour and capital, under a better system of land-tenure and transfer.

I remain, Sir, your obedient servant,

G. P. S.

April 24, 18 48

LETTER IV.

SIR,

I HAVE already said that a vast field for the profitable and productive employment of capital and labour might be opened in Ireland by the alteration of her land laws—in the improvement of her cultivated, or rather half cultivated, land, independent of the reclaimable wastes already treated of.

As a general proposition every one admits this; but few expand their views to the conception of the immense increase of national wealth that might be thereby created. It is to this point that I am anxious to call attention. Drainage alone, it has been declared on good authority, would, in that peculiarly moist climate, double the produce of some ten millions of acres.* The authors of th

* See Evidence before Lords' Select Committee on Land Drainage p. 70, &c.

"Digest" assert, as the conclusion arrived at from the mass of evidence on the subject taken by the Devon Commission, that there is room for the investment of a sum of about 84 millions of capital in this operation, that it would return at least 15 per cent., or *twelve millions per annum*, in increase of *rental*. The increase of *produce* (which is the national gain) must be many multiples of that sum in value. Nor can this be considered an exaggeration. The agricultural produce of the cultivated land in Ireland is now, acre for acre, not much more than one third that of England; though it is notorious that much of the English soil itself is in want of drainage and subsoiling, and might be made to produce very much more than at present by higher culture. It is not, then, too much to say that the produce of Ireland might be quadrupled, with profit on the outlay necessary for this purpose; and, indeed, Mr. Blacker has shown that if the whole country were only as well cultivated as some small farms under his management in the county of Armagh, its produce would be multiplied six-fold.

Why, then, need we carry our capital and labour to the antipodes, when such a mine of gold exists unworked as yet beneath our feet?

But it may be objected by some one, that if such an immensely-increased production as is here contemplated could be realised, prices would fall, and the expected profit disappear. Not so, however. The increased agricultural produce would, in the first place, only take the place of that which we otherwise shall import. And, in truth, with the supply, the demand will proportionately increase. The Irish producers themselves are quite capable of consuming, in *value* at least, if not in quantity, twice as much as they do now. They might hope then

to give more of their potatoes and meal to their pigs, and eat more of their pork and bacon themselves. And with their power of paying in produce, who can doubt that their demand on the English manufacturing districts for clothing and comforts of all kinds—in which they are now so deficient—as well as on English commerce for tea, sugar, tobacco, and other luxuries, would contemporaneously enlarge itself? The same may certainly be said, also, of the landlord's increased rent. *That* is sure to be spent somehow or other. In this way, indeed, the increase of agricultural produce from our home soils is always not only a benefit *per se*, but the cause of an increased demand for the produce of nearly every other branch of industry, giving room for the profitable employment of additional labour and capital in those departments likewise. Therefore it is that our manufacturing districts so sensibly feel the difference between years of agricultural plenty and the opposite. When farm produce is abundant, they are well fed and well employed. When scanty, their work and pay both fall off together.

Nor, in fact, is it easy to conceive the possibility of a permanent superabundance of agricultural produce. The desires of the industrious population for its consumption are unlimited. They can only eat a certain quantity of bread per head, no doubt; but in the concentrated form of the flesh of animals fed upon the superabundant grain or roots, if such there be, any conceivable quantity can be consumed. The only limit, therefore, to the effective demand is that of the means possessed by the non-agricultural classes of paying for food and other raw produce, which is measured by the amount of manufactures and other commodities they are able to produce. But there is no limit to this amount, so long as capital and labour

abound ; for the coal and iron and other primary materials of our non-agricultural industry may be considered inexhaustible. Capital, we know, tends most rapidly to increase whenever it is in demand. And we are brought then to the conclusion that a scarcity of *labour* alone can limit the profitable demand for the products of our industry of every kind, so long as the productiveness of our home soils remains unexhausted. Scarcity of labour, however, is no subject of apprehension, since it would imply an immense improvement in the condition of the working classes—the great desideratum of the day. And, short of this, the only limit is the productiveness of our soil, which I hope I have shown, though very briefly, and confining myself as yet to Ireland for reasons already given, to be by no means fully developed—or, indeed, half developed—according to the standard of agricultural skill and science which is already within reach, or which ought to be, and might be, brought within reach of every cultivator in the three kingdoms.

What, then, is the obstacle that hinders this most desirable improvement of the agriculture of Ireland from spontaneously taking place? The reply is—first, the crippled condition of the landlord ; secondly, that of the tenant, under the existing law and practice of land-tenure.

The former is frequently but the nominal owner, bound hand and foot by entails and settlements, and with perhaps, a doubtful title—usually, moreover, embarrassed by heavy debts and mortgages. In this state he has no interest in making permanent improvements, supposing he could afford to make them. He is unable to sell, though the sale of a part of the property might enhance the value of the remainder ; unable to grant sufficiently long leases to his tenants to encourage them to improve ;

on the contrary, forced by his necessities to exact from them the highest possible rental, and ultimately, perhaps, to transfer the management of his estates to even a worse landlord than himself—a receiver under the Court of Chancery.

Meantime the tenants in possession are little better than paupers, holding their land at rents which leave them but a bare subsistence ; at all events without any motive for improving a property in which they have no certain tenure—the rent of which, indeed, they have reason to dread would be increased if by any improvement in their outward circumstances they appeared capable of paying more.

There are, of course, exceptions to this state of things ; but it is generally true. And the result is, the lamentable waste of the national resources in land, labour, and capital, which has been indicated above.

What, then, are the alterations required in the law to remedy so monstrous a mischief, by freeing the owners and occupiers of the Irish soil from the fetters that now paralyze and prevent their making the most of it ? They are two-fold. Measures, first, for improving the position of the landlord ; secondly, that of the tenant.

Measures, it will be said, are already before Parliament for these very purposes. But I cannot admit that either the Encumbered Estates Bill, or the Landlord and Tenant Bill, are at all adequate to the emergency of the case, even if they are likely to be operative at all, which is doubtful.

In order to give that entire freedom to the ownership of land which is indispensable for its most productive use—it will, probably, be found advisable ultimately to all of its sale, in all cases, notwithstanding entails or set

ments. But as it is presumable that purchasers could only be found for a limited quantity of land, it may be sufficient, for the present, to allow the tenant for life of an encumbered estate to sell enough to pay off the incumbrances, under the sanction of some court, to be appointed for the purpose of securing the interest of reversioners. Some simple mode of proving title, and the validity of the incumbrances, and a short form of conveyance giving a Parliamentary title to the purchaser, are indispensable. Such a measure would operate effectually in transferring, before long, the proprietorship of a large quantity of land from persons who have neither inclination, means, nor power for making a proper use of it, to others who have all the capital, knowledge, and industry necessary for the purpose. If the land is sold in small portions, purchasers will not be wanting; I do not mean in the frightful circumstances of the present crisis, but in such as would be likely to follow the enactment by Parliament of a comprehensive series of vigorous measures for the social amelioration of Ireland, such as those here referred to.

The owner of an entailed estate should likewise be empowered, with the assent of some competent authority, to charge the property with the cost of effecting durable improvements, and also to grant long leases, extending even to 60 years or upwards. Few improvements of a permanent character, such as the erection of good buildings, or reclamation of waste land, will be properly undertaken upon shorter terms of tenure. Leases for lives renewable for ever should be converted into perpetuities. An improved National Registry of landed property, such as that suggested by Mr. Stewart for England, is a want that cannot be too soon supplied. Its

absence is a trait of barbarism in our institutions, most discreditable to the age.

Why should not land be as cheaply transferred as stock, and by as simple a process?

Can any reason be alleged to satisfy a candid mind of the necessity of keeping up in the present day the cumbrous, costly, complicated, and dilatory system of conveyancing, by which lawyers perhaps are enriched, but the nation, as well as all other interested parties, impoverished.

Mr. Stewart's proposal for securing the title to all real property by a system of insurance, is an admirable suggestion—capable, if properly developed, as its author himself anticipates, of raising the saleable value of land perhaps from 30 to 40 years purchase—and of realizing an immense sum to the Exchequer in the form both of a moderate tax on such assurances, and of the increased stamp duty which would be received on the vast increase of sales which would follow from such simplifications as he suggests in the title and conveyance of landed property.*

It is difficult to limit the amount of improvement that might reasonably be expected from increased facilities for the transfer of land in Ireland. Much of it would, no doubt, get into the hands of persons possessed of capital, enterprize, and habits of business, who would set to work with energy either to improve and highly cultivate it themselves, or to secure its improved cultivation by affording aid and encouragement for that purpose to the existing tenants.

The latter of these alternatives is the one which must

* See Stewart's Lectures on the Means of facilitating the Transfer of Land. Longman, 1848.

be looked to as generally preferable ; inasmuch as any large extrusion of the existing tenant-farmers from their holdings would create extreme suffering and discontent, and add to the difficulty of tranquillizing the country, and rendering the investment of capital there safe or prudent.

The wisest and most judicious course that can be pursued, whether by the Legislature or by individual proprietors, having ample legal powers of dealing with their land, will be, avoiding any attempts at clearance or consolidation of the small farms, to endeavour to stimulate and by aid and instruction to enable the existing tenantry to develop the full productiveness of the land they occupy, and which may undoubtedly be made as productive, if not more so, on the small as on the large farm system.

In what way Legislation may advance this most important object is a subject I must reserve for consideration in another letter.

I remain, Sir,

Your obedient servant,

April 27, 1848.

G. P. S.

LETTER V.

SIR,

One question still remains; namely—what alteration is needed in the law of landlord and tenant in Ireland, to encourage—or, indeed, enable—the latter class to make the land they occupy as productive as possible by the energetic application of their capital and labour to its improvement and better cultivation ?

It is not presumable that any solution of this much-vexed problem can be wholly free from reasonable objection ; still less, that it can satisfy those persons who demand that the landlord's existing rights shall all be pre-

served in their integrity, while yet the tenant is to be secured in the possession of rights not now belonging to him, as against his landlord.

We must, indeed, despair of any effective arrangement of this question being ever arrived at, unless the Legislature is prepared to admit, as the basis from which to start—first, that the state of this land-question in Ireland has reached a point of terrific danger to both property and life in that island, and to the safety and integrity of the United Empire, such as to render it imperatively necessary to effect some thorough settlement of it without further delay; and, for the sake of this paramount object, to wave all scruples against interference with strict legal rights, which, under present circumstances, are valueless, from being untenable. Secondly, that the condition of Ireland, as respects this question, is *sui generis*; and, especially, so distinct in all its salient points from that of England, that the kind of legislation required for the one is no rule or guide, and can never be drawn into a precedent, for the other.

The minute subdivision of farms in Ireland, the practice of leaving every permanent improvement, even buildings, drains, fences, reclamation, &c., to be done by the tenant—the landlords, as a general fact, having rarely themselves expended any capital whatever on their estates—no less than the formidable character of the crisis to which Ireland has been brought by their neglect of these and many other obligations which English and Scottish landlords have immemorially taken upon themselves—establish so broad a line of distinction between the two islands, as not only to justify, but to call for, a totally different mode of treatment.

Unless this preliminary be broadly and clearly admitted, a Parliament chiefly composed of British as well as Irish landlords, can never be expected to deal with the question in the bold and vigorous manner which the circumstances of the country and of the times require, and a repeal of the Legislative Union alone can in this case afford any prospect of its being so dealt with.

There is a further consideration still to be taken into account. One, likewise, of paramount importance. It is notorious to all who have studied the real character of the circumstances connected with the tenure of land in Ireland, that the occupiers *have* up to this time enjoyed—more or less interruptedly and precariously, it is true, and more fully in some districts than in others—a tenant-right, openly saleable in the market, and of considerable pecuniary value, often reaching to ten, or fifteen, or more years' purchase of the annual rent; that this practical right they have enjoyed without any sanction from the law—indeed, in defiance of it—*by virtue of a law of their own making and maintaining*—the agrarian code of terrorism. Although very anxious to husband the space you so obligingly concede to me, I must fortify this position by a brief extract from the Digest of the Devon Commission (p. 158, 9):—

“It has been generally the practice in Ireland for the tenant, even when holding at will, or from year to year, to build his own habitation, farm offices, fences, &c.” . . . “It was not easy for a man when building a house, and thereby investing his property permanently in the land, to imagine that he had still in equity only a year's title; that he might in justice be removed at the end of that year, leaving his investment behind him.”

“As the principle affected the great mass of the people, all were interested in inventing a remedy.”

"The remedy was a simple one. Failing that equitable settlement, which was neglected by the landed proprietor and the Legislature, it was only requisite to appeal to Lynch law, and to extort a payment by intimidation from the incoming tenant."

"The forms of proceeding are summary and peculiar, the first notice to the defendant being the burning of a stack or a house, if not the firing of a shot from behind a hedge; and the results of the practice appear to be somewhat different in different parts of Ireland. In most of the northern counties the incoming tenant thinks it preferable to make his arrangements methodically with the person going out, and to insure his life by the payment of a considerable sum of money, varying from five to ten; and, in many cases, to a much larger number of years' purchase of the rent; and this on farms not only where no improvement may have been effected, but where much injury may have been done by the outgoing tenant."

"These arrangements in the north are generally either authorised or connived at by the landlord; but they have not yet been put upon so methodical a footing in other parts of Ireland. Hence the agrarian outrages so frequent in the latter."

To which I may add, that on the analysis of evidence taken by the Commission, it appears that the practice of the sale of tenant-right, so acquired and maintained, far from being confined to the province of Ulster, is noted as "prevalent" in thirty-one out of the thirty-two counties of Ireland; the single exception being that of Dublin.

The peculiarity of the province of Ulster consists simply in the fact that both landlords and tenants—with the shrewdness derived probably from the admixture of Scotch blood in their veins—have thought it wiser and more for their common advantage, to eschew Lynch-law, and maintain voluntarily, in place of it, that system of tenant-right (or sale of goodwill by out-going to incoming tenants), which preserves the peace, encourages the agriculture, and secures the full payment of the rental of that province, making it so strong a contrast to the disorganization and neglected agriculture of th

southern and western counties (of which Tipperary is the type), where tenant-right—though claimed by the occupiers, and acknowledged among themselves, is discountenanced and denied by the landlords—and where consequently, though with a better quality of soil, cultivation is neglected, rents difficult of collection, and less in amount, neither landlord nor tenant really masters of their property, and tranquillity and respect for the law hopeless of attainment.

Now, it has been very properly determined on by the Legislature that, as the first step towards the improvement of society in Ireland, this system of agrarian or Lynch-law must and shall be put an end to. Coercive measures of great severity have been passed for this purpose; and special commissions and numerous executions and transportations have attested the firm resolve of the Government to carry out this determination. But is it not just, is it not wise, is it not fitting, that, *at the same time*, measures of *equal vigour* should be passed for the purpose of affording to the occupying tenantry of Ireland, in a legal form, that security of tenure, that protection to their only available means of existence, which they have heretofore been driven, by the neglect of the law, to seek—and *have*, more or less, *practically obtained*—by illegal and criminal combinations?

Have the landlords themselves any ground for claiming, as a right appurtenant to their proprietorship, the power of ejecting their tenants without the satisfaction of their tenant-right—a power which, on a large scale, and, speaking generally, they have never hitherto really enjoyed?

By its recent penal legislation (not to mention the operation of the Poor-law in the same direction) Parlia-

ment has greatly strengthened the power of the landlord. Considering that the course of legislation for a century past—indeed, ever since the reign of Anne, when all persons except land-owners were excluded from Parliament, has uniformly been of the same partial character, it is surely time at last to legislate for the protection of the tenant, and to relieve him from that position of frightful insecurity which has so long unnerved his arm for the prosecution of industrious labour, but nerved it for deeds of violence, prompted by the instinct of self-preservation, and even of *justice, which the law unquestionably denies to him.*

It is a common fallacy—though a very natural one for an Englishman to be deluded by—to deprecate all interference between landlord and tenant, as contrary to sound economical principle, which “should leave their relations to be determined by voluntary contract.” But this argument assumes that the two parties stand on equal terms already. Whereas, on the contrary, it is notorious in the first place, that at present in Ireland *land is life*;—there are no other means of existence open to the bulk of the people than its occupation; and hence he who has land to let may exact any terms he pleases, however impossible even of fulfilment, from the crowds of competitors who are struggling for it: in the second place, that the law, as it stands at present, is the result of innumerable interferences in favour of the landlord, and against the tenant. Some sixty acts of this one-sided legislation stand catalogued in the statute-book. Repeal all these acts, and restore the old common-law relation of landlord and tenant, and something might be said against interference with their free bargaining. But at present the very gist of the complaint is, that the existing law *does determi*

the conditions of these contracts in a manner most injurious to the tenant, and such as to discourage his industry, and prevent his investing capital or labour in the improvement of the soil with any heart, from want of security for the enjoyment of its returns.

It is the existing law which arms the Irish landlord with powers of ejectment, far more expeditious, cheap, and severe than what are possessed by landlords in England. It is the law which gives him powers for recovering his claim for rent by *distress*, superior to those of any simple contract creditor. It is the law which (contrary to the rule prevailing with respect to *trade fixtures*) prohibits a tenant from removing *agricultural fixtures* on his quitting his farm. All the existing relations between landlord and tenant are the creation of law—but of one-sided landlord-made law. And yet, when a proposal is made to legislate for the protection of the oppressed and almost annihilated tenantry, a cry is raised, “Don’t interfere with the freedom of contract between the parties !” There is neither sense nor justice in this.

The broad and overwhelming argument for the legislative concession of some substantial tenant-right to the occupying farmers of Ireland, is the necessity of putting an end to that paralysis of industry which renders the natural fertility of her soil unavailable, and impoverishes every class, the landlords inclusive—indeed, threatens speedy ruin to the entire island. No sane man, with a correct knowledge of the mode in which land is held in Ireland, can hope to substitute the English or Scotch system of large farms for the small-farm cultivation so universal there. The great bulk of the actual occupiers must be retained. They cannot be got rid of—even if it were desirable to do so, or just, or prudent to attempt

it.* It only remains to induce and enable them to exert all their industrial energies, and invest their labour and their capital in the better cultivation of the land they have in possession. And this can be easily and almost at once attained by giving them the unfailing motive to industry—security for the enjoyment of its fruits—in the shape of a definite, liberal, and well-secured tenant-right.

Such a right, to be most effectual, should it is evident, be brought as near to ‘fixity of tenure, subject to a certain rent,’ as can be done without violating the just rights of the proprietor.

The extraordinary diligence—the ‘ardour of industry’ with which men labour upon *their own* property has been already alluded to. It is, in fact, the key to all institutions for promoting national wealth and prosperity. The real resources of the country can never be developed, the full productiveness of its soil will not be ascertained, until the farmer, *like the manufacturer*, has the natural

* The question of the comparative productiveness of the large and small farm system of cultivation is still in dispute. Mr. Blacker gives it as the result of his experience in Ireland that the small farmer can beat the large one out of the field. The large amount of produce raised by the allotment tenants of England, as compared with the large farmer’s crops upon the same soil in the adjoining fields, tells in the same direction. Mr. Mill comes to the conclusion that “with anything like equality of skill and knowledge, the large farmer does not obtain nearly so much as the small *proprietor*, or the small farmer *with adequate motives to exertion*.” “The gross produce of land,” he concludes, “is certainly GREATEST, *ceteris paribus*, under SMALL cultivation, and a country is able under that system to support a larger population.”—*Political Economy*, I. chap. ix. § 4.

encouragement to industrious exertion and expenditure of capital in agricultural improvements, which consists in the certainty of enjoying, by means of an absolute right to, the full value of all he creates.

The concession of this right is, however, said to be opposed to the claim of the land-owner to the improved value of his land. And no doubt that claim is just so far as the improved value may arise from a general improvement in the markets, a greater demand for land in the particular district, or any local, general, or accidental circumstances whatsoever—*other than the exertions or expenditure of the tenant*. But whatever increased value has been given to the land solely as the result of his labour or capital, ought, surely, on every principle of justice no less than of policy, to belong to the tenant himself. It is his creation, and should be considered his property, as was the labour or capital which produced it. If he erect a dwelling-house or farm-buildings, or drain a marsh, or embank a river, or reclaim a tract of rough and barren land—without assistance from his landlord—the improved permanent value which he thereby has added to the farm should be his, and his only. Of course this is not meant to apply to cases in which it is a part of his contract that he should make such improvements; as where land is taken under a building lease, or a farm at a reduced rent in consideration of improvements to be made by the tenant. But where no such agreement or understanding exists—where it is open to the tenant to make no improvements—what claim has the landowner in abstract justice to appropriate the additional value which the tenant may create?

Suppose two farms of equal quality and value, side by side, and let to A. and B. respectively for 21 years. A. builds a good house, with good offices, drains, subsoils, reclaims waste land, cultivates well, and at the end of the 21 years his farm is worth just double what it was at the commencement. B. lives in the old hovel, makes no improvement whatever, and his farm, at the expiration of the same term, is in no degree improved in value. The landlord has no reason to complain of B., who has fulfilled all the terms of his contract, and restores him his land precisely in the same condition, and of the same value, as when he received it. Then what equitable right can he have to appropriate, without compensation, the whole of the increased value (actually equal to the original fee-simple of the farm) which A. has added to it,—has in fact created,—by the outlay of his labour or capital? And how obviously unjust towards A. is the law which allows the landlord to take this from him, by either turning him out or doubling his rent, so as to make him pay a second time for his own improvements!

But, it will be said, "A. ran this risk with his eyes open;" he knew, of course, that he was expending his labour and capital on another man's freehold, and that he might be called on to leave his farm or pay an increased rent at the expiry of his lease! Yes, but this is exactly the worst mischief of the whole system;—it tells every tenant he must refrain from improvements—be content with a hovel to live in, with water-logged and waste land, and low farming, or, as the only alternative, *improve for the benefit of another, not of himself!*

It may be the case, even, that A. has not lost by it

bargain, and that at the end of the term, on quitting the farm which he has doubled in value, he may not be a poorer man than B., who, instead of laying out all his savings in the permanent improvement of his farm, has deposited them in an old stocking, or the Savings' Bank (with the view of going off to America, perhaps, where men are enabled to own the farms they occupy). But mark how differently the conduct of the two men affects the interest of the community and of the state! In the one case the permanent value of the land has been doubled, and its annual produce probably quadrupled. In the other, both have remained stationary. And yet we maintain a system which directly tends to make the latter case (B.) the rule, the former (A.) the exception;—a system which in the highest degree discourages the improvement of land by its occupiers, and imposes a special penalty on the investment of capital and labour in AGRICULTURE, to which it is not exposed in any other branch of industry; thus artificially restricting the production of the most important necessities of life and materials of manufacture—the very foundation and germ of all material wealth.

The amazing (and not a little perilous) development of every branch of trade and manufactures that has of late years taken place in this country, so out of all proportion to the progress of its agriculture within the same period, is owing, no doubt, to the distinction here pointed out; namely, that in the former undertakings the entire profit, or increased value which may be created, by any increased exertion, or improvements in the skill, instruments, or materials employed, belongs to him who makes

them exclusively ; while in agriculture, under the present practice and law of tenantry, such increased value, if created, may be seized on by a third party, the landlord—who has contributed nothing towards it,—seized *every year*, if it please him, under the now generally prevailing practice of tenancy-at-will—at all events, after the expiry of the short term of years to which leases are usually restricted. The extent to which such a system checks agricultural progress—prevents that investment of capital and labour which is the most nationally valuable of any, because it forms a permanent and irremovable increment to the national wealth—namely, in the improvement of the soil of the country—and thereby artificially forces the active industry, ingenuity, and accumulated capital of the country into other more hazardous, and less nationally valuable channels, can scarcely be over estimated, and ought to command the serious attention of statesmen.

In England the evil is much mitigated, though by no means entirely removed, by the general practice of landlords to execute at their own expense or to contribute largely towards the execution of the buildings, fencing, drainage, and other permanent improvements of their farms, whether held on will or on lease. There will always, however, be many most desirable improvements which the landlord or his agent is unwilling or unable to execute, and which the tenant dare not undertake at his own risk, without security for compensation in case of his being obliged to quit his farm. And hence in England the expediency of some legislative measure for giving this security has been long felt, and its enactment demanded by all intelligent friends of agriculture.

In the case of Ireland, where, as a general rule, the landlord does nothing, and never has done anything, towards the buildings, drains, fences, reclamation, or other more or less necessary permanent improvements of a farm, the abstract justice and expediency of allowing to the tenant full "compensation" for the improvements of this kind he may effect, are now admitted almost universally—in words. Indeed, it is only common honesty. But let it not be forgotten that this now acknowledged right has been up to the present day refused, and is still practically denied. In numberless instances landlords have not scrupled to double the rent of an improving tenant immediately upon his building a house and offices, or reclaiming a few acres of waste, or to turn him out and to relet the farm at the full value in its improved state. *They are doing so daily, even now.*

Is not this robbery? Robbery, it is true, sanctioned by law—but the robbery of the poor by the rich, of the industrious by the idle! Is it not time, then, so iniquitous a law were altered; if only as a matter of justice to the tenantry, that is, to the bulk of the people of Ireland?

But it is not merely a question of justice, it is that upon which the possible improvement, tranquillization, and prosperity of Ireland really depend; for "one circumstance of this kind in a neighbourhood," as several witnesses before the Devon Commission declared, and, as it is easy to believe, "is sufficient to deter a hundred others from making any improvements." "Things of the kind that have occurred ten or twenty years ago will be given you in reply when upbraiding them for not

improving their farms." (Q. 695.) And hence it is that improvements *are not made*, that waste land is not reclaimed, that decent farm-houses and fit offices are not built, that fertile soil is allowed to remain water-logged for want of drainage, that cultivation is slovenly and barbarous, that labour is unemployed although thousands are maintained in idleness from the rates, that destitution and misery stalk through the land, that discontent is almost universal among the peasantry, that, to use the words of an intelligent spectator well acquainted with the subject he refers to, "industrious men of capital are driven to emigrate from a country requiring agricultural development to the full as much as the wilds of Australia."

I. It is to remedy this unjust and ruinous state of things that a Landlord and Tenant Bill for Ireland has been for the third or fourth time presented to Parliament under the auspices of the Government.

But that measure will go very little way indeed towards effecting its object, unless divested of two leading faults which it at present possesses; viz.—

1. That it puts a complete bar to all effective improvement under its sanction by requiring a host of preliminary notices, inquiries, arbitrations, references, appeals, and awards—enough in themselves to deter any tenant from thinking about improving by help of the Bill. And all these expensive, dilatory, troublesome, obstructive forms are to be gone through *again and again*; to ascertain, first, that the improvements are wanted; next, that they have been executed in accordance with the original award; and, ultimately, that they remain in fitti-

repair, and of full value at the time when compensation is demanded. Now what tenant will go through all this trouble and expense? or what confidence can he entertain of obtaining compensation at all by means of such a complex and varying procedure? Moreover, every one of these multiplied and costly forms and proceedings must be gone through for every fresh improvement which the tenant may desire to undertake!

Only consider what in fact is the ordinary process in which an industrious Irish farmer, desirous of improving his farm, if he can only get "security" for reaping the profits of his industry, would set about it. The first thing he would wish to do, probably, is to build a better house than the mud or turf hovel he lives in. And this is to be desired; for, as Mr. Wiggins justly observes from long experience, "As the wretched hut debases a man's character, so the decent house elevates it, and by lifting him a step in the world, leads to efforts on the land afterwards which never would have been otherwise made."* The next year he takes heart to build a barn, perhaps; in the third or fourth a stable, cow-house, and pig-styes. He then turns his attention to the land, and having heard, recently perhaps, of the advantages of thorough-draining and subsoiling, makes up his mind to try the effect of them on one field, or a portion of one. It succeeds; and next year he is willing to extend the improvement to other portions of his farm. Then, having fully dried his cultivated land, he bethinks him of enclosing and reclaiming a bit of the rough waste bog or mountain on which his cattle run in summer (perhaps even in winter), wasting their manure and injuring their

* Wiggins, *Monster Misery of Ireland*, p. 229.

health. He finds that to answer too; and so goes on, until, bit by bit, and step by step, he has brought his farm into complete order, and perhaps multiplied sixfold its productiveness. And this he does chiefly if not entirely, by his own labour and that of his family, at odd times, which would be otherwise passed in idleness; or if by the outlay of capital, it will be that of *his own savings*, gradually made as he goes on; the profits, in fact, resulting from these very consecutive improvements. It is not done as a capitalist executes a railway, or builds a ship, determining precisely before-hand what he will do, how long he will be about it, and what it will cost to the fraction of a penny; but tentatively, timidly perhaps at first, with many doubts as to the profit that is to result—and still more as to his capacity to do more than “a little to begin with.” But the beginning once made, and proving successful, another step is to be ventured on, and so on, one drawing on another, till in the end the thriving farmer looks back on all that his industry and enterprise has accomplished, and wonders that he could ever have done, or thought of doing so much.

Now is it not certain that all this most desirable process will be nipped in the bud, stopped at the very outset, if it be rendered a condition that the tenant shall declare from the first all that he means to do, and have his projected improvements formally recorded in notices—with which he is to serve his landlord! (he would very naturally himself expect to be served with a *notice to quit* in reply):—then measured, valued, discussed by arbitrators, over and over again—as if he were going to build a palace instead of, perhaps, a pigstye or a cow-shed! and he is to pay, moreover, the cost of all these inspections,

arbitrations, and awards! And this he is to do and submit to every time he desires to make any improvement whatever in his farm, and to secure the chance of compensation for it by virtue of this bill! For as to his being able or willing to determine from the first all that he is ever likely to wish or to be able to do in the way of improvement, that is wholly out of the question.

It is quite clear that no scheme of this kind will answer the purpose of affording the encouragement to improve which it is so desirable to hold out to the small tenant farmer of Ireland. The valuation of his improvements must be once for all only; at the time when the claim for compensation arises. And in order to prevent claims from being put in after a considerable lapse of time for improvements which may not have been effected by the tenant, he might be required (as in the case of planted trees at present) to register, periodically, every year, in some simple form, such improvements as he has made, which it would be then open to the landlord or the agent to inspect, and to enter on the register any grounds of objection to their prospective allowances.

When the tenancy expired, the compensation due for such registered improvements might be determined by arbitrators, chosen as in the bill, with power to examine and ascertain the value they have added to the farm, and adjudge a sum to the tenant equal to so many years' purchase of such improved value as to them shall seem fit, or as the statute might prescribe—say twenty years' purchase for buildings in good repair, twenty-five years' for permanent improvements on land. The better way, however, would be to leave a discretion in this respect to

the arbitrators, since there are many improvements of an intermediate character, more or less lasting, but not absolutely permanent; which they alone can fairly estimate upon view.

I cannot anticipate much practical difficulty in the working of such an arrangement. It is that which is generally recommended by experienced parties in Ireland who have given their opinion in favour of compensation for tenants' improvements.

Some may differ as to the precise nature of the tribunal by which the claims should be settled. Mr. Hancock, the receiver on Lord Lurgan's estates, recommends a sheriff and jury as a more satisfactory tribunal for disputed cases than any system of arbitration, from extensive experience of both. He adds:—

"The great value of a jury is that *its decisions secure the support of the community*; and as regards tenant-right, when disputed cases ~~are~~ lead so often to outrage and crime, it is of the utmost importance ~~that~~ the tribunal for deciding such cases should carry the confidence of all classes with it."

Perhaps a district assessor, appointed by Government, or the assistant barrister having power to appoint an assessor or jury to inspect, might be the most competent party to determine disputed questions of compensation.

2. The other fatal principle contained in the Bill now before Parliament, is that it assumes enjoyment by the tenant of the profits he may have gathered from his own improvements, for some definite term of years (twenty-one in the Bill), to be a compensation in full for his interest in them.

This at once cuts down the inducement to the occupiers

of land to improve, which it is so desirable—looking to the agricultural, social, and political state of Ireland—to make as cogent as possible, by all the difference between a perpetuity and twenty-one years' purchase!

But it is essentially impracticable. For from what period is the term of tenure to date? The completion of the works, says the Bill. But most of the improvements, such as draining, subsoiling, reclaiming, &c. will be, and ought to be, always going on, up to the last day of the tenant's holding. So that the term of compensation would be perpetually renewed, and never come to an end. If to obviate this, it be declared that after a fixed term no new improvements shall be commenced, the main object of the measure is defeated.

Moreover, this principle is unjust, and destructive of that which is, or ought to be, the principle of the measure itself; namely, that the *full* value of the permanent improvements which a tenant, of himself and without aid from his landlord, may have effected on his farm, belongs of right to him, and should be repaid to him on his quitting. If he has built a house or drained a field twenty years back, and the house and drains are in as good order, and add as much to the value of the farm as if they were completed only to-day, why should he be paid less for them? Why should the landlord pay less for them? The principle introduced into the Bill would extinguish his claim totally in the one case, but pay him the full value in the other! There is neither sense, nor reason, nor justice in this distinction, whether as respects the tenant or the landlord. Whichever has the right to the whole value in one case ought to have it in the other.

As a matter of public policy, it must be evident what an inducement such a limitation of the principle of compensation would hold out to merely "provisional" improvements—sheds and hovels fitted to last only the limited time, imperfect drainage, temporary ameliorations of the soil, and its complete exhaustion towards the close of the term, when the right to compensation would expire.

It is not by concessions in this mean, narrow, truckling, and Jew-bargain-driving spirit that the landlords of Ireland or the Imperial Legislature can stimulate the desponding and utterly prostrate energies of the tenant-farmers who occupy its entire soil to those industrial efforts by which alone that country can be rendered prosperous—nay, saved from impending ruin.

3. There is a third defect in the Bill which it is impossible to pass over; namely, that in the case of all tenancies above £10. in annual value, it takes no account of *past*, but only of *future* improvements. Now, if the principle is just as to the future, it is equally so as to the past. And can there be any thing more certain to create discontent and dissatisfaction among the class of tenant-farmers in Ireland, than a law which shall say to them, "Such of you as have built houses and made permanent improvements on your occupations up to this time, shall have no compensation at all. But if you have been inactive and slovenly, and delayed all improvement till now, you shall be compensated for all you may henceforward make?"

It is clear that to be just, and to satisfy the well-founded and highly-wrought expectations of the occupying tenantry, compensation for improvements must be

made retrospective. And though the absence in these cases of such a register as has been above suggested for the future, may occasion some difficulty, yet it seems the general opinion of the practical men who appeared before the Devon Commission, or who have since published their recommendations to this effect, that either by arbitration, or by reference to the assistant barrister's court, such claims could be equitably and safely determined. The presumption will always be, from the general practice of the country, that whatever *bona fide* improvements appear on the face of the farm have been executed either by the tenant or by those whose rights he has purchased or inherited. Any exceptions to this rule would be notorious to the whole country, and might be easily proved by the landlord or his agent.

With respect to holdings *under* £10. in annual value, the Bill professes to afford compensation retrospectively, but in reality refuses any compensation at all worth discussing, whether for past or future improvements, by limiting it in all cases to such as have been made within *five* years of the claim being put in, (!) and in the case of buildings, to such as the landlord may have given his tenant leave in writing to put up! If this were not meant for a mockery, it had better have been left out of the Bill altogether. Mockery though it be, it affects a class of cases of no light magnitude and importance. From the Digest of the Evidence before the Devon Commission it appears that the number of holdings under £10. in value amount to about three-fifths of the whole. To the majority, therefore, of the occupiers of land in Ireland, the measure offers positively nothing! For what perma-

What improvements can these small holders have effected within the last five years—three of them years of famine, during which it was difficult for any—impossible, alas! for many—of them to *live*, and carry on the ordinary culture of their farms? And even should any one of them have erected new buildings within that short term, he must shew the landlord's permission in writing to do so, a thing which probably no one single cottier-farmer has got to shew through the length and breadth of the island!

So much for the past. But, in regard to the future, the prospect held out to the cottier-tenant is equally deservy. What landlord will in future ever give leave in writing to tenants of this class—a class which they are generally desirous to get rid of by every means in their power—to build a new house? Or if such an one there were, in order that the tenant shall be entitled to receive any compensation under the Bill, he must be turned out of it *within five years*. If he retain for that period the buildings or any other improvement he may have executed, his claim ceases to any compensation at all! His landlord may eject him from the new house and offices he has built, from the farm which he has sweated and laboured himself to improve, as soon as *five* years have struck! So that while pretending to hold out the boon of compensation for past improvements to the small landlords of Ireland, the Bill not only limits it to improvements which are certain not to exist under the conditions required, but also cuts off this class of tenants from that large and miserable amount of compensation for future improvements which it professes to hold out to the higher class!

None can be surprised that a measure so framed

should have been received in Ireland with one burst of indignation and scorn—and that, instead of allaying, has greatly increased the prevailing determination to be satisfied with nothing short of “fixity of tenure.”

II. But after all that can be done by legislation to confer just rights on tenants who hold under existing leases, it seems clear that in the case of tenancies at will—which are said to cover three-fourths of Ireland—and perhaps even of future leases—the landlord will yet have it in his power to set aside or evade the Act.

Tenancy at will is essentially incompatible with any kind of security to the tenant for the recovery of what he may expend on his farm, beyond the bare ploughing, sowing, and manuring, which the year's crop may be expected to repay. Improvements of a more durable character, the benefit of which would be unexhausted at the close of the year, it will always be in the power of a needy or greedy landlord, or exacting agent, or Chancery receiver, to appropriate, by a corresponding rise of rent, or by ejectment; and, consequently, it is hopeless to expect such improvements to be generally made under so precarious a tenure. The only effectual remedy would seem, therefore, to be, discouragement—perhaps, even, the entire prohibition—of tenancy at will. The late Mr. O'Connell was so strongly impressed with the necessity of bold legislation in this direction, that in one of his last speeches in Conciliation Hall, on the 13th April, 1846, he went the length of recommending that no distress for rent should be allowed, except where there was a twenty-one years' lease; and no ejectment for non-payment of rent unless under a lease for thirty-one years.

His intention no doubt was that the landlord should in all other cases stand on the footing of an ordinary simple-contract creditor. Such a change would, in fact, cause long terms of tenure to be almost uniformly given; and with the same object in view, it might be desirable to place the Poor-rate, County Cess, and generally all local taxes, on the landlord alone, where the term of tenure is shorter than twenty-one years. Of course it would be necessary at the same time to empower all holders of estates for life, or other parties now incapacitated, to grant leases of that duration at least. Should the practice of granting leases of not less than twenty-one years by this means become generally extended, and were compensation for *bond fide* permanent improvements at any time made by the tenants secured to him, in the manner recommended above, a vast stimulus would unquestionably be given to agricultural improvement in Ireland, from which the most valuable results to the community at large must flow—results of which the landlords themselves cannot but share the benefit in the increased value and security of their property.

III. But another element of the question has now to be considered—namely, the right already possessed by the occupiers of land in Ulster universally, and more or less partially in the other provinces of Ireland—a right founded on long-established custom, if not on law—to a leaseable tenant-right or good-will, independent of improvements, and reaching in value to ten, fifteen, and on twenty or more years purchase of the farm (although

nominally held at will)—being, in truth, a *de facto* part-proprietorship in the land.

This is a fact, which it will not do to pretend ignorance of, or to treat lightly. The right exists. It has been from time immemorial recognised in practice, and in the inferior law courts even as a property—has been as such bought, sold, inherited, bequeathed, and transferred to creditors. And few will venture to assert that as such it ought not to have been long since openly established and protected by law.

It is a mere evasion to say that the right depends on custom, and not on law. All the better part of our law is, in fact, nothing else than custom.

“It is one of the characteristic marks of English liberty,” says Blackstone, “that our common law depends on custom.”

A wise Legislature will be always ready, nay, eager, to give the force of law to every custom which the general assent of the community has stamped with its approval; not only on the theoretical ground that the law ought always to be the expression of the will of the community, but also for the obvious practical reason that the law ought not to encourage or enable individual caprice, obstinacy, or selfishness, to set at nought or defy any rule which the community has by general consent laid down, and which parties have acted upon on the faith of its general observance. In Ulster, for example, as the law is now interpreted, any one obstinate or grasping landlord may refuse to concede or permit his tenants to enjoy their tenant-right, however long established among them. And he may call in the whole

civil and military power, which the Executive *must* afford him, in aid of his determination, and to put down any resistance to it on the part of his tenants, or those who may (as all the tenantry of the North probably would) make common cause with them. It has been said that the whole force at the disposal of the Horse Guards could not enforce the refusal of the tenant-right to the Ulster farmers. But is it right, is it prudent, is it safe (even putting the circumstances and signs of THE TIMES out of view) to preserve a state of the law which permits a single individual to raise a flame which might occasion the revolt of the loyal and well-disposed population of an entire province, and, in the words of one well acquainted with the state of feeling in the north, "create a Tipperary in Ulster?"

But the legislation of the Ulster tenant-right is not a question of policy. It is simple justice; and is required upon the first principles of jurisprudence, and with a view to the extension to Ireland of those free institutions which have so long been at once the boast and the safeguard of Britain.

In this country (England), it is notorious that our copyhold tenure rests only on the sanction given by law to a customary relaxation of the strict rights of landlords over their tenants at will, very similar to that upon which the custom of Ulster tenant-right, not yet recognized by the law of Ireland, rests at present. The only reason that can be given why this recognition has been refused there, though long since conceded in England, is, that in Ireland unfortunately the leaning of the Courts and of the Legislature has always been ex-

actly the reverse of what, according to Blackstone, it has invariably been in England. It has favoured restraints upon industry instead of freedom, and favoured the landlord instead of the tenant.

"The law of England," says Blackstone (which is a law of liberty), "has always shewn a favourable disposition towards the tenants. It suffered custom very early to get the better of the express terms on which they hold their lands, by declaring that the will of the lord was to be interpreted by the custom of the manor, and *even where no custom has been suffered to grow up to the prejudice of the lord, the law itself interposes with an equitable moderation, and will not suffer the lord to extend his power so far as to disinherit the tenant.*"—(II. 98, Commentaries.)

It is legislation in this, the true spirit of the old English law, that is required in Ireland for the settlement of the tenant-right question. If the landlords stand upon "the express terms on which their tenants hold their lands," and insist on the retention of their extreme rights, and "the power to disinherit their tenantry," and the Legislature refuses to interpose with an "equitable moderation" of these unjust and injurious claims—all improvement is hopeless. But let "the favourable disposition of the law of England towards the tenant" prevail in the consideration of this question by Parliament, and its difficulties will disappear. What concessions may be made by the landlords will be repaid to them ultimately over and over again, through the increase of the general tranquillity and prosperity that must result from an equitable and satisfactory arrangement of this formidable bone of contention between the many and the few—the thousands and the millions—the legal proprietors and the *de facto* holders of the soil.

The legalization of Prescriptive Tenant-right cannot, however, be confined to Ulster, but should be extended wherever the custom may be proved to have in practice prevailed for a sufficient time back to confer the sanction of Prescription. The assent of the landlord must be presumed wherever it cannot be shewn that he has directly prohibited it. It will be urged that the proof of past sales of good-will—of the interference or non-interference of the landlord or agent—and of occasional variations in the terms of holding, for example, of the rent—will be intricate and difficult, and that the door will be opened to much perjury. But there is no reason to suppose that a fair tribunal will not soon be enabled to get at the truth on these questions, no less than on the various others, equally affecting the interests of opposite parties, which are constantly the subject of reference to legal determination. The custom of every particular barony or estate must be a matter of pretty general notoriety, and the agent or landlord will usually have ample documentary evidence with which to rebut groundless claims. If sufficient discretion be allowed to the Court which is entrusted with the decision of such claims, there will be no great difficulty in arriving at an equitable compromise of the conflicting interests; and the decision of a single case in each barony, or on each estate, would probably guide and determine the whole.

IV. There is a further ground for allowing some compensation to tenants quitting their farms—independent of improvements or prescription—which has not been mentioned. It is chiefly applicable to the case

of the small land-holders, or cottiers, and consists in the *total loss of livelihood*—of, under the present circumstances of Ireland, the only means of living, outside the walls of a workhouse or a gaol, which they sustain from their *eviction*. This is not merely a claim “*ad misericordiam*”—though in that sense a very strong one—but is based on the plainest principles of justice.

The ‘clearance’ of estates from these small holders—who are by most landowners considered a nuisance and a probable burthen—and the consolidation of their holdings into larger farms, is a process which has for many years been proceeding throughout Ireland, and which recent events and the influence of the new Poor Law especially have accelerated immensely. It is being carried on largely at present—in many cases most extensively and with shocking vigour and cruelty, producing the most frightful sufferings. It must and will go on, and cannot by any means be prevented, so long as landlords retain any power over their estates. For though the feeling so general among landlords in favour of consolidation is, I am convinced, to a great extent an error—and that the small farm system of culture will produce more, pay fully as much, if not more, rent, and maintain a far larger population than its opposite—and is therefore the only system appropriate to the circumstances of Ireland; yet it is beyond question that a very large number of holdings—those under five or perhaps seven acres, which amount to some hundred thousand in number—are too small for good and efficient cultivation. These then will have to be weeded out, by degrees, and with a due regard to the safety of the occupiers,

and the provision of other resources for their maintenance. But it is no more than just that the owner of an estate who, with a view to its improvement, dispossesses one or many, of these cottier tenants, should make him some compensation for the total deprivation of the only available means of living by industry which the country affords. All humane and prudent landlords do this at present voluntarily; buying out, as it is styled, those of their cottier tenantry whom they find it desirable to remove; giving them a sum of some few pounds a head, or paying their passage to America. What is desirable then is that all landlords should be required by law to do that which a sense of justice and of humanity prompts in these cases.

In truth, it is a matter of doubt among legal authorities who have examined the subject, whether the "clearance system" is not at present illegal, and even criminal in the eye of the law. An able argument in support of the affirmative appeared in the *Dublin Review* for November, 1842, from the pen of Mr. McMahon; and it has never been answered. This is certain—that 'Depopulation'—the pulling-down of houses and clearing of lands, from the small occupying farmers, for the purpose of their consolidation—was by the common law of this country, for several centuries considered an offence even amounting to an unclergyable felony—that many statutes were passed expressly to restrain the practice—that Sir Edward Coke names it as one of those "offences against the public weal which the King cannot pardon"—that the Judges on proceeding to their circuits were repeatedly enjoined to make inquiry into and punish such

practices—and that in numerous instances the parties guilty of them, though of note and consideration, were punished by heavy fine and imprisonment, and required to build the houses they had pulled down, and restore the farms that had been set with them.

Such was the spirit of the ancient law of England, under which her NOBLE YEOMANRY were fostered and protected in their industrial occupations, and the due culture of her soil secured for the employment and maintenance of her population. And though the enforcement of these laws has been in late times disused, and the commercial principle, that every one “do as he will with his own,” been extended without challenge to the owner of land, yet it still remains doubtful whether wholesale “Depopulation,” such as is practised frequently in Ireland, be not even now an offence at law. And this may with certainty be averred, that carried as it occasionally is now, to the extent of the razing of entire villages, the clearing of whole parishes, one, two, three, or four hundred families, consisting of thousands of souls, being swept at once from the face of their native land, deprived of their ordinary and only means of existence, of shelter, and of the homes which they or their forefathers reared, and for generations, perhaps, inhabited—and driven off to wander as vagrants on the bare highway—and this at the bidding of one individual, who may fancy his estate will be benefited by the substitution of some hundred bullocks for as many thousand human beings—it is a practice which the law ought not to tolerate—an overstraining of the rights of property which cannot be defended on any principle of justice, or regard to the

well-being of the population as the great object of all law. As M. Sismondi justly says in reference to the great Sutherlandshire clearance:—

"It was not for this end that territorial property has been established or was guaranteed by the laws. Society is shaken, when the rights of property are put in opposition to natural rights. An Earl (or other large landowner) has no more right to drive from their homes the inhabitants of his county, than a king to drive out the inhabitants of his kingdom. Let the great landlords of England (and of Ireland still more) beware! The less numerous they are, the more dangerous it would be to put themselves in opposition to the national welfare, and to prefer their own fancied interests. If once they appear to believe they have no need of the people, the people may in their turn think that they have no need of them."*

It is absolutely necessary by some legislative interference to check these harsh and wholesale clearances, of which some landlords in Ireland are now from time to time guilty; and which will multiply, from the daily increasing inducement to effect them, arising from the increasing poverty of the cottiers, unless a check be imposed to them. For this purpose the least that could be done would be to require every landlord who evicted a tenant from land to compensate him for the loss of his livelihood by payment of a sum equal to, say, three or four years' rent of his occupation; and it might also be very fitting to make such evicting landlord liable for any charges to which the electoral division may be subjected for the relief of such evicted tenant, or his family, within the next two or three years.†

* Sismondi's Political Economy. Notes upon Landed Property.

† As one instance among many of such "Clearances," as are here referred to, see that effected about Christmas last, near Belmullet, in County Mayo, on the property of J. Walsh, recorded by Mr. Tuke, in

To sum up what has been said as to the Legislation required for Ireland to improve the existing relations between Landlord and Tenant. It should include measures,

1. To secure to an outgoing tenant compensation in full for the value of the improvements which he has by his own capital or labour made to the farm, and duly registered in such form as may be prescribed in the Act, such compensation to be awarded to him by arbitrators after full inquiry and examination on the determination of his tenancy. Improvements made previous to the passing of the Act, to be registered within (say) two years, or to lose the title to compensation. Tenants evicted within that period to be entitled to prove their improvements by other evidence.

2. To encourage leases for long terms by reserving the power of distress for rent to such cases; and also by placing all local taxes on the landlord in every other.

3. To legalize the right to the sale of good-will or tenant-right of farms, whenever it can be proved to have prevailed as an admitted custom for a generation or more back.

4. To require some compensation for eviction, equal to

his interesting pamphlet, "A Visit to Connaught in 1847," and in the "Papers relating to the Relief of the Poor in Ireland," 5th Series, p. 91. In this case, one entire village, Mullaghroe, consisting of 102 families in 1845, was razed. There are not six houses remaining. In two neighbouring villages, 50 houses were levelled. All this in mid winter! 40 miles from the nearest workhouse! And no less than 140 families out of those thus dispossessed are now receiving relief from the Union, while the proprietor who evicted them has not paid the rates due from him, though sued at law for them!

three or four years' rent, to be made to cottier tenants, my holding under £10. value yearly, to be paid to them by the evicting landlord, after deducting any amount of rent due : and that he be made liable for a limited term, my of two years, to the cost of relief to the family evicted, if reduced to pauperism.

Those who may be startled by these suggestions, and consider them too stringent upon the landlords of Ireland, should reflect on the gigantic character of the evils they are proposed to remedy. They should remember that they fall far short of the remedy which for the cure of similar evils (but which had scarcely reached so formidable a character) have, within the last century, been adopted in almost every State of Europe ; where either complete "fixity of tenure," at the previous rents, or even the division of the soil in fee among the occupiers were established, and followed by results of the most beneficial character as respects the condition of the peasantry—that is, the bulk of the people, in those (like Ireland) agricultural countries.

As is observed by M. Sismondi,

"For a century past the legislation of continental Europe has been engaged in guaranteeing and ameliorating the condition of the feudatories, strengthening the independence of the peasant, covering him with the buckler of prescription, changing his CUSTOMS into RIGHTS, sheltering him from the exactions of his lord, and by degrees raising his tenure to the rank of property. The law has given to the Swiss peasant the guarantee of perpetuity: while the Scotch and Irish peasant have been left in a precarious condition. Compare the two countries, and judge of the two systems."

Let those who may look on the moderate proposals made above, as an invasion of 'the rights of property,'

recollect that the 'just rights of property'—the only rights of the kind which the Legislature is bound to respect—are such alone as are not inconsistent with the welfare of the people and the prosperity of the country.

Let them reflect over the following passages from Mr. Mill's recently published work—the truth and force of which it is impossible to gainsay :—

"When the 'sacredness of property' is talked of, it should always be borne in mind that this does not belong in the same degree to landed as to other property. NO MAN MADE THE LAND. It is the original inheritance of the whole people. Public reasons exist for its being appropriated. But the distinction is vast between property in land and in moveables which are the product of labour. The latter should be absolute, except where positive evil to society would result from it. But in the case of land, no exclusive right should be permitted to any individual which cannot be shewn to be productive of positive good."

"The community has too much at stake in the proper cultivation of the land, and in the conditions annexed to the occupying of it, to be justified in leaving these things to the discretion of a class consisting of but a portion of the community, when they have shewn themselves unfit for THE TRUST." "The only notion of improvement among the bulk of the owners of Irish estates consists in turning out the people to beg or starve. When landed property has placed itself on this footing, it ceases to be defensible, and the time has come for making some new arrangement of the matter."*

The monster grievance of Ireland, and the cause of its monster misery is, that industry is there denied any legal right to its reward ; and a system of land tenure maintained which locks up the vast resources of the soil, and prohibits a starving and unemployed, but industriously disposed population, from maintaining themselves by their labour on the land which Providence has amply

* Mill's Political Economy, II. 11, 66.

fitted for the purpose. Such a state of things is a national disgrace and sin; and, if permitted to continue, will doubtless, before long, bring down on those who may be guilty of protracting it, the retributive justice of Heaven, in the blind vengeance of a people infuriated by misery and oppression. I remain, Sir,

Your obedient servant,

G. P. S.

April 30, 1848.

LETTER VI.

SIR,

I AM grateful to you for your friendly critique of Tuesday last. It suggests to me the necessity of gathering up into a brief summary the disjointed members of the argument contained in the several letters you have obligingly introduced into your columns, in order to shew their real consistency and common object.

My argument, then, is shortly this:—

The SOIL of Ireland, if duly developed by improved agriculture, is capable of employing and maintaining in comfort her entire population, and even some multiples of it.

Her PEOPLE are undeniably hard-working and frugal—willing enough to better their condition by applying their labour to that soil, *if only allowed to do so for their own benefit*—the one condition of all effective industry.

CAPITAL is not wanting, even *there*; but it takes wing to America, or seeks investment in Savings' Banks and the English funds, being denied the privilege of investment (with security for reaping its profit) in the home soil. Moreover, England has ample capital to spare to Ireland for the same purpose, but only *on the same condition*.

What, then, is the obstacle? Why are the people of Ireland starving in rags and idleness, upon lands which would repay their industry with ample food, clothing, and comforts?

The answer is, that the free use of the soil is denied to the people by unwise laws.

1. Laws which obstruct the landlord's free use of his own land.

2. Laws which discourage the industry of the tenant, by rendering him uncertain of being permitted to reap its fruits.

The remedy is, of course, to be found in the removal of these artificial restraints on agricultural improvement:—

1. By such changes in the law as will give greater freedom to the owner of land to deal with, use, or transfer it to his best advantage.

2. By such changes in the law of tenancy as will encourage the industry of the tenant, by giving him a right to the produce of his own improvements.

But you remark—and I quite agree with you—that the beneficial results of such alterations of the land-laws will be impeded by the “frightful circumstances” at present existing in Ireland, through the over-crowding of her labour-market. And to remove this temporary

impediment, you, as I understand, propose colonization in Canada or Australia. I, on the other hand, propose colonization of the Irish wastes—a process which I have adduced good evidence to shew would cost much less than the other, be more easily and rapidly conducted, more consonant to the feelings of the people, and productive of far greater national advantage, as augmenting the wealth and strength of Ireland itself, instead of transferring it to a colony.

But I beg to disclaim any proposal, such as you impute to me, that Government should ‘turn farmer for the sake of profit’—or adopt Louis Blanc’s system of superseding all private enterprise by public works—or repeat their own “gigantic blunder” of this time twelve months.

The works that I propose would be chiefly confined to the *arterial drainage* of those vast tracts of wet but reclaimable land, which the “shackles” of all kinds, so often alluded to, have kept barren and unproductive; and such a commencement only of *reclamation* (*not cultivation*) by thorough draining, and coating in part with earthy matter convenient of access, as might be necessary to make the farms fit for location or sale, or expedient for the purpose of employing productively the able-bodied paupers of the union, who are now fed in demoralizing and wasteful idleness, in or out of the workhouses, to the number of many thousands—often within sight of the waste land on which they might be profitably employed.*

* The workhouse of Cahirciveen stands within the borders of an extensive bog; which, according to the report of Mr. Goode, one of Lord Clarendon’s Inspectors (Jan. 1848), is “a fine level tract, sloping down

The blunder of last year was two-fold ;—first, that the works were for the most part wholly useless and unproductive ; and consequently looked upon by the persons employed themselves as a mere roll-call :—secondly, the payment of “ pauper ” workmen on the footing of independent labourers, by day wages, or task wages, instead of by *rations*, just enough for their support, and no more, per head. The former system enabled single men to earn as much as would keep a large family, and thus caused them to flock in to get “ the Queen’s pay ” from all other works, deserting their private employers. The *ration-pay* system, coupled with the labour-test, would, on the contrary, drive all to depend on their own resources, who could by any efforts contrive to do so. All this has been elsewhere* explained in detail, but your objection made it necessary for me to allude to it here.

As to the question of the possibility of reclaiming Irish bog or mountain land with profit, I have shewn that it has been practically proved in numerous instances, in Ireland as well as in Lancashire. Even your friend, the “ Anglo-Irishman,” admits that large profits may be made by turning bog into pasture. Mr. Griffith’s estimate of the waste land reclaimable for pasture is double in extent that which he considers reclaimable for tillage. Either are quite enough for my purpose.

Moreover, I propose to enlist in the work of reclamation that most potent stimulant to industry—the zeal and energy of men applying their labour to *their own* to the sea, and capable of growing any thing, if drained and attended to, and offering great facilities of irrigation.” Yet that workhouse is filled with idle paupers !

* “ Irish Relief Measures.”—Ridgway.

property. It is to a class of peasant proprietors—the very class which Ireland so much wants—that I wish to see entrusted the complete improvement and cultivation of the waste lands, not to the Government; which need only appropriate and divide them, executing those primary extensive operations which are beyond the grasp of individuals.

The interference of Government in this matter might be still further limited, by entrusting the necessary powers for the execution of the works to the boards of guardians, or some county committees of public works, composed of a selection from the magistracy or grand juries.

Nor is the scheme intended as a permanent system, but only as a temporary expedient, an auxiliary to the poor-law;* an operation for relieving, with as little

* The object is not to dispose of a *permanent*, but of a *temporary* surplus of labour. I believe with Commissary-General Hewitson—no light authority—that Ireland requires for the full development of her agricultural capacity, all, and more than all, the labour of her existing population. He says—“The transition from potatoes to grain requires increased tillage in the proportion of 3 to 1. This requires a corresponding increase of labour; and wages so paid (as well as in permanent improvements), are an investment of money bringing in a certain and a large profit.

“The pasture system of Ireland must be abandoned, or modified. It is no longer possible to confine such vast extents of fertile soil to grass and hay, when the same space, judiciously cultivated, will suffice for three times the number of cattle, will employ TEN times the number of labourers, and afford besides a vast increase of sustenance to man.

“It is useless to talk of emigration, when so much extra labour is indispensable to supply the extra food.

“Let that labour be first applied, and it will be seen whether there is any surplus population. If industrious habits be established, and the WASTE LANDS taken into cultivation, it is very doubtful whether

loss of time as possible, that congestion of the labour-market which all know to be the immediate cause of danger to life and property—by occasioning the misery, turbulence and discontent of the Irish masses; during the continuance of which it is vain to hope that capital and labour will spontaneously set to work to develop the dormant resources of the country. An impulse from without is wanting—the *vis major extrinseca* of the Government, acting for the common interest, in the common peril of the state, to break up the ruinous circle of evils continually generating one another, so often referred to. The poor-law stimulus has not effected the spontaneous absorption of the surplus of labour by the landholders. Landlords as well as their tenantry are too much hampered by their embarrassments,—which the poor-law, as at present administered, has, of course, increased—to afford the required amount of employment.

The removal of these embarrassments, by wise changes in the laws of land tenure and transfer, is indispensable, and when accomplished will act most powerfully, no doubt, in stimulating and facilitating private enterprise.

But TIME PRESSES. Instant action is needed to remove the spell that now seals up the productive and industrial powers of Ireland. It is, I believe, in the power of Government alone, with the sanction of the Legislature, there be any surplus population, or even whether it would be equal to the demand.

“Providence has given every requisite to Ireland, and nothing is needed but industry to apply it.” (Memoranda, 4th Jan, 1847, Commissariat Correspondence.)

THIS alone is needed, that industry should be permitted to apply itself to the development of the natural resources of Ireland, locked up by restrictive laws.

to do this by a measure which shall "set to work" (the old Elizabethan phrase, to which I am very partial) the now waste (but expensively maintained) pauper labour of the Irish Unions, on their waste, but profitably reclaimable lands.

The plan adopted, a few years since, by the guardians of the Chorlton Union, near Manchester, of employing their able-bodied paupers in reclaiming and cultivating waste bog, proves that *even in England*, and looking at it only in a *pecuniary* point of view, independently of the immense objects of a moral and political character involved in the experiment as regards Ireland, such land may be reclaimed and cultivated *without loss* by a population which would otherwise be a dead burthen on the community.

"Waste and worthless land has been there converted into valuable property worth *fifty pounds* an acre, and *unlimited employment* at the same time found for *any number of labourers*."

This is the Poor-law Inspector's statement:—

"On the 12th of August last," he adds, "I accompanied the guardians on their annual visit, and it was truly gratifying to observe that the labour of the able-bodied applicants for relief in *this well conducted union had been turned to a profitable account*; that the land then before us, which, two years since, was a bog not worth *1s.* an acre, was covered with crops of wheat, potatoes, and turnips, *not to be surpassed* in the best cultivated county in England."—(*Report*, 1842.)

Now I ask with confidence, whether the experiment which was so successful in reclaiming this farm on Trafford Moss, by employment of the able-bodied paupers of the Chorlton Union, might not be as successfully, or still more successfully carried out in almost every union in Ireland—at least in those of the western counties, where

the greatest pressure of destitution is found, and likewise the greatest extent of waste land? The province of Connaught, which is overwhelmed with pauperism, contains two millions of acres of waste land. Galway and Mayo—counties which are declared to be incapable of maintaining their poor, and whose rates are even now largely supplemented by public money—contain a million and a half acres of waste land, of which nearly a million has been declared by Mr. Griffith to be reclaimable with profit!

This single act of the Government establishing a set of Home Colonies, so as to drain off a large proportion of the surplus population, now unwillingly idle, and demoralized by idleness, and at the same time create so many examples of active and skilful agricultural improvement under competent managers, by which the surrounding community may benefit,—will so far restore a healthy condition to the relation of the supply of labour to the demand, as to give fair play to the laws simultaneously enacted for the support of the poor, for the free circulation and use of landed property, and the equitable tenure of land, on the powers and operations of which our hopes of the permanent improvement of the country are to rest. Even if the reclamation of the wastes in this manner should not prove a profitable speculation, it cannot but be most useful to the country in these various ways, and also as affording some produce in return for the subsistence of the labourers employed on them, the cost of which must otherwise be a dead charge on the funds of the country.

It offers, moreover, a far better rest for able-bodied destitution, in hard labour, than the demoralizing and

penal confinement in the workhouse which is now solely relied on, and which recent events, at Tralee,* for example, prove to be of no value whatever.

Such is, in few words, the main object of the proposal here advanced. To those who, agreeing in the general argument as to the necessity of making *some* great national effort, for the removal of the surplus of labour, yet still maintain a preference for some shadowy and hitherto undeveloped scheme of colonization (they believing the surplus to be permanent, not temporary only), I would say, Let the decision between the two proposals rest with the parties themselves who are to be subjected to the process, and those who are to pay for its cost.

Produce and enact your scheme of Foreign Colonization; let that of Home Colonization be enacted by its side; both placed under the management of Government Commissions. Let the Union Boards or County Boards of Ireland be empowered to choose between the two, or to try both alternatives, if they please, for the purpose of relieving themselves of the pressure of their now redundant labour. Let them have power to call on either Commission to emigrate, or to employ on the Home Wastes, the able-bodied paupers now a burthen on the Poor-rates, charging the future rates of the Union with the cost, but at the same time crediting them with the profits of the undertaking, to the extent of a fair interest for the money.

I shall be quite content with the issue of such an arrangement. I feel confident that the local knowledge

* Where, on the stoppage of the Savings' Bank, it was found that several of the inmates of the workhouse held deposits.

and obvious interest of those in whom the choice would rest, will lead them to invest their funds in the creation of farms on the waste, which will not only relieve them from their present embarrassment, but become a fertile source of future profit to the rate-payers of the district, enlarge its cultivable area and the value of its rateable property, and afford them the certain means of repaying the debt they would for the present incur.

Mr. Buchanan, the experienced Government Emigration Agent at Quebec, in his Report to the Earl of Elgin, of April, 1847, writes thus :—

“ Any plans undertaken by the Government for the removal to this province of the destitute classes of the population of the mother country, should, I conceive, include their establishment as settlers, and their support for a period of from twelve to fifteen months after their arrival, and *this cannot be accomplished for less than sixty pounds sterling, at the lowest estimate, for each family, consisting of a man, his wife, and three children.*”

And this is independent of the cost of conveyance to the colony and the place of settlement in the interior, which cannot, with outfit, be estimated at less than twenty pounds additional, making eighty pounds in all, as the expense of disposing of a very moderate sized family, by colonization.

Now the cost of purchasing and cutting out from the waste bog or mountain of a farm of fifteen acres, executing the main drains and approaches, and reclaiming, manuring, and sowing with oats and potatoes, say, an acre, or an acre and a half of the land, for the subsistence of the settler and his family for the first year, need not amount to more than half that sum. And from that time forward he may be considered independent and self-supporting. In a few years, he may be expected to have reclaimed by

his own labour, and the help of his family, the remainder of his farm, and will have thereby added to the national wealth a permanent property worth at least ten times as much as the original outlay, and giving an annual produce, reckoning at only £6. per acre, of £90, a year in value. Out of this increased annual produce and permanent property, the settler will easily be able to redeem the sum originally expended in his location. And thenceforward he ranks as an independent freehold proprietor of a fifteen-acre farm, cultivated with the industry characteristic of farmers who own the land they occupy.

In this manner, without the cost of one farthing to the country, but on the contrary, to its great and signal gain, in wealth and strength, moral no less than pecuniary, would it, I believe, be possible to dispose of the whole of that accumulating surplus of unemployed labour, physical wretchedness, and political discontent, which is at present eating into the resources, impeding the improvement, and endangering the safety of Ireland—and not of Ireland only, but of the empire.

These views are supported by many of the most experienced practical improvers of Ireland, such as Captain Kennedy and Mr. Blacker—by many of her first public men, such as Mr. French and Mr. Fagan, the Members for the Counties of Roscommon and Wexford—by the ablest Political Economists who have made a study of the question, such as Mr. Mill and Mr. Thornton. The opposition they have hitherto met with has solely sprung from the blind desire of Irish landlords to retain a dominion over their barren acres, however profitless—and a lazy incredulity as to their profitable reclamation, or from the old fallacy of the absolute and rigid

laissez-faire system, or an ungenerous distrust of that industry and desire for independence which will be found to animate the Celt, no less than the Saxon, when the efficient motive is afforded him, in the certainty of enjoying the results of his toil.

But to be effectual, this and the other measures to which I have endeavoured to call attention *must not be delayed*. Time, indeed, presses. Already we may hear English senators and newspapers, English constituencies and public meetings, canvassing the Repeal of the Union as a possible measure—promising some change, at all events, in the present intolerable state of things; from which Britain suffers scarcely less than Ireland herself. Does any one believe that the English *people* will ever consent to go to war with the Irish *people* to prevent a repeal of that union, from which, as matters are now going on, they suffer almost as much as the Irish themselves? Stop the invading tide of Irish pauperism and Irish labour, by opening up the means of employment and maintenance which the Irish soil is capable of affording to her children, and Britain will be lightened of the heaviest load she has to bear. Her own soils are improvable likewise in the highest degree. Her laws of land-tenure require alteration, likewise, though in a less degree than those of the sister island, to give greater scope, facilities, and encouragement to agricultural improvement. Her produce likewise may thus be indefinitely increased, and the condition of her working classes of all ranks infinitely ameliorated. But the first and indispensable step to her own improvement must be the drying up of that festering ulcer at her side, the contagious misery of unhappy and mismanaged Ireland.

How this may be done I have endeavoured to shew. Those, however, who are responsible for the government of Ireland, admitting that the natural resources of the island are fully capable of supporting its population in comfort, throw the blame of the present state of the country on the people themselves. "Legislation, it is said, can do nothing for them; they must help themselves."

The obvious and conclusive reply of the Irish people to this is, "If you renounce the hope of improving our position by your legislation, *let us legislate for ourselves!*"

In truth, however, this is but the old cry of the Egyptian bond-masters—"Ye are idle, ye are idle," to those required "to make bricks without straw."

That the Irish people, the bulk of the peasantry, are not willingly idle—that they are ready enough to work, *if only they can get work*—and to exert their utmost industry on the land they occupy, *if only permitted to do so for their own benefit, not that of another*—the condition of all industry by virtue of the laws of human nature—is too notorious to be denied. It is shameful to insinuate the contrary, in the face of the patient, energetic enduring industry and thrift exhibited by these same Irish everywhere in England, the United States, Canada, even in Ireland itself, when a fair chance is afforded them *of bettering their condition by such exertions*.^{*} That they have not that chance allowed them

^{*} The following extract, from the Fifteenth Report of the Commissioners of the Board of Works, 1847, shows how willing the Irish poor, even of the lowest class, are to learn to labour:—

"The drainage works, under Mr. Labouchere's Letter, continue to proceed in a very satisfactory manner, and the labourers employed have in every locality become much more expert in the performance of their

at home—especially that *the* LAND of Ireland, the sole source of all wealth, the main material and instrument of industry, is locked up from their free use by legal restraints of various and complicated character. This is owing to bad legislation, and is therefore removable by good legislation.

You meet the agonizing cries of hundreds of thousands of labourers in Ireland who are vainly imploring work (in the touching words reported by Mr. Tuke, “won’t ye give us work, your honour, or we’ll die ;”)—with the reproach, “Ye are idle! find work for yourselves.” May they not rebuke you with the answer, “Give us but the broad wastes that lie in a state of primæval barrenness around—and which your law denies us the use of—and we *will* find work for ourselves, and never trouble you more!”

To the hundreds of thousands of farmers in Ireland who occupy land, but can scarcely be said to cultivate it, and who as a consequence are poor and discontented, you say, “Set yourselves to work in improving, draining, fertilizing, and better cropping your farms.” Their

tasks.” (They were at that time about 21,000 in number.) “In several districts, the labourers employed had never seen a deep drain, narrow both at top and bottom, and conceiving it to be impossible to sink it, objected to cut such drains at a moderate price. But after a little experience, the men *in every district* became not only reconciled to the work, but took pleasure in it, *vying with each other in the accuracy and perfection of the execution*. The reports of our Inspectors give details on this subject which *prove how soon our people become reconciled to novel kinds of work*, when they are well and steadily directed, and *find they can with reasonable exertions earn living wages*. And it should be observed we have had to instruct not only ordinary farm labourers, but *fishermen*, unaccustomed to spade labour, and the *inhabitants of towns*, who are proverbial for *idleness and hatred of exertion*.”

answer was given to Mr. Goode, one of Lord Clarendon's Husbandry Inspectors :—

“The people,” he writes from Swinford, January, 1848, “are in a most desponding state: they always meet me with the argument that there is no use in their working, *for they are likely to be turned out in the spring, and have their houses pulled down over them.*”*

Is it not mockery to preach industry and energetic exertion to men who have but a six month's tenure of their farms. Nay, less than that—for as tenants in Ireland are always purposely left in arrear, and that the recent famine has necessarily deprived nearly all of a stock to meet an unexpected demand—almost any tenant may be *ejected for non-payment of rent*, at a few DAYS notice, and by the most summary proceeding, which will not cost the landlord forty shillings! Is it not cruel mockery to taunt men, placed *by your law* in such a position, with want of industry, and an indisposition to lay out labour and capital in increasing the productiveness of the land they hold on such a tenure? And is it worthy of honourable statesmen, while you maintain the laws which keep them in that precarious position, to tell them legislation can do them no good?

No wonder the cry bids fair to become universal—perhaps even irresistible—among them, “LET US LEGISLATE THEN FOR OURSELVES.”

The Imperial Parliament, in fact, virtually abdicates its functions when it declares it has no remedy for the state of things which exists in Ireland.

* Some Irish landlords, it is well known, actually print a notice to quit at the back of the receipts they give for rent, so as to have their tenants under constant notice to leave!

The Government which cannot govern Ireland otherwise than it is now governed—namely, by military force, and by excluding from juries, on the trial of *avowed rebels*, all who are of the religion of five-sixths of the people—ought to renounce the fruitless and irritating endeavour.*

I remain, Sir, your obedient servant,

G. P. S.

London, May 3, 1848.

* Just as this last page is going to press, I have had put into my hands the interesting work of Mr. de Quesne, of Jersey, (Ireland and the Channel Islands) which I strongly recommend to the perusal of all who take an interest in the great Land question of Ireland. The author shews, from actual experience, the immense advantages derived to both owners and occupiers of land in the Channel Islands, and to the State at large, from the system of Land Tenure which has for centuries prevailed there; namely, "Fixity of Tenure at a Corn Rent." It is owing to this system alone that these islands, naturally unfertile, are cultivated throughout like a garden—rents secure, though *four times as high as in Ireland*—the tenants and population generally prosperous and happy, *well-fed, well-clad, and well-housed*, prudent, and *slow to multiply*, loyal, peaceable and contented; all the males enrolled in the militia and armed by the Government; while as we know in Ireland the people are actually deprived of their arms, lest they should be turned against the Government!

If it were determined to apply this system to Ireland, as the most effectual and simplest form of Tenant Right, a law would require to be passed giving the occupier of any farm the right to demand a perpetual lease of his holding at the existing rent—turned perhaps into a Corn-rent. The landlord might have reserved to him a right of pre-emption in case of sale. Revolutionary as such a proposal would no doubt be called, it could not but give a vast increase of security, and consequently of value, to Irish landed property. Its fifteen or sixteen millions of annual rental would not only be more certain of payment, and accompanied with less expense of agency, no responsibility, no troublesome *duties*, and no dread of being ruined by poor-rates or pauper population,—but, moreover, would be worth to sell in the market probably some thirty-five, instead of twenty-five years purchase—in other words, would be increased in value by a third or more.

Even such a "Settlement of the Landlord and Tenant Question" as this—which events, and the long delay of less radical measures, seem to be really bringing us to—would not, however, supersede the necessity of some immediate measure for productively employing the surplus pauper and labouring population, such as that for reclamation of the wastes here advocated.

HD 625 .S43 C.1
A plea for the rights of indus
Stanford University Libraries



3 6105 036 373 731

HD
625
.S43

DATE DUE

STANFORD UNIVERSITY LIBRARIES
CECIL H. GREEN LIBRARY
STANFORD, CALIFORNIA 94305-6004
(415) 723-1493

All books may be recalled after 7 days

DATE DUE

28D JUL 24 1995

28D AUG 21 1995

STANFORD UNIVERSITY LIBRARIES
STANFORD, CALIFORNIA

